

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3226
Page 2 Section 1 Lines 18 1/2
Of the printed Bill
Of the Engrossed Bill

By inserting a new Section 2 to read as follows:

(see below)

and by renumbering the subsequent sections of the bill.

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Charles Key

Adopted: _____

Reading Clerk

"SECTION 2. AMENDATORY Section 1, Chapter 159, O.S.L. 2007 (47 O.S. Supp. 2007, Section 6-110.3), is amended to read as follows:

Section 6-110.3 A. 1. The Legislature finds that the enactment into law by the United States Congress of the federal REAL ID Act of 2005, Public Law Number 109-13, is inimical to the security and well-being of the people of Oklahoma, will cause approximately Eight Million Dollars (\$8,000,000.00) in added expense and inconvenience to our state, and was adopted by the United States Congress in violation of the principles of federalism contained in the Tenth Amendment to the United States Constitution.

2. The State of Oklahoma shall not participate in the implementation of the REAL ID Act of 2005. The Department of Public Safety is hereby directed not to implement the provisions of the REAL ID Act of 2005 and to report to the Governor and the Legislature any attempt by agencies or agents of the United States Department of Homeland Security to secure the implementation of the REAL ID Act of 2005 through the operations of that or any other state department.

B. No department or agency of the state charged with motor vehicle registration or operation, the issuance or renewal of driver licenses, or the issuance or renewal of any identification cards shall collect, obtain, or retain any data in connection with activities related to complying with the REAL ID Act of 2005.

C. Any biometric data previously collected, obtained, or retained in connection with motor vehicle registration or operation, the issuance or renewal of driver licenses, or the issuance or renewal of any identification cards by any department or agency of this state charged

with those activities shall be retrieved and deleted from any and all databases. The provisions of this subsection shall not apply to any data collected, obtained or retained for a purpose other than complying with the REAL ID Act of 2005.

D. No department or agency of the state charged with motor vehicle registration or operation, the issuance or renewal of driver licenses, or the issuance or renewal of any identification cards shall collect, obtain, or retain any computerized facial image of an individual in connection with the issuance or renewal of driver licenses that exceeds an uncompressed photographic resolution where the width of the head is 48 pixels or more of resolution, which corresponds to a maximum full image width of 84 pixels and an image of 105 pixels, and that the agency shall make every attempt to recollect any images of higher resolution that have been shared with any person or entity, public or private, for any purpose other than compliance with a court order and that any image, so retrieved, shall be secured by the department or agency which originally obtained the image and the image shall then be subjected to the conditions contained within this subsection.

E. For purposes of this section, "biometric data" includes, but is not limited to:

1. Facial feature pattern characteristics;
2. Voice data used for comparing live speech with a previously created speech model of a person's voice;
3. Iris recognition data containing color or texture patterns or codes;

4. Retinal scans, reading through the pupil to measure blood vessels lining the retina;
5. Behavior characteristics of a handwritten signature, such as shape, speed, pressure, pen angle, or sequence;
6. Fingerprints, palm prints, and other methods for measuring or recording ridge pattern or fingertip characteristics;
7. Keystroke dynamics, measuring pressure applied to key pads;
8. Hand geometry, measuring hand characteristics, including the shape and length of fingers, in three (3) dimensions; and
9. Deoxyribonucleic acid (DNA) and/or ribonucleic acid (RNA)."