

THE HOUSE OF REPRESENTATIVES
Wednesday, March 5, 2008

House Bill No. 3226

HOUSE BILL NO. 3226 - By: KEY of the House.

An Act relating to public safety; amending 47 O.S. 2001, Section 6-110.2, as last amended by Section 15, Chapter 311, O.S.L. 2006 (47 O.S. Supp. 2007, Section 6-110.2), which relates to computerized finger imaging; prohibiting access by state or federal agencies to certain images without court order; requiring the Department of Public Safety to retrieve and secure certain information; and declaring an emergency.

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

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

4 Section 6-110.2 A. The Department of Public Safety shall implement a procedure
5 for computerized finger imaging by means of an inkless finger image scanning device and
6 shall require every applicant for an original, renewal or replacement driver license or
7 identification card to submit to finger imaging for the purposes of proof of identity and to
8 ensure the security of the driver license or identification card issued to the applicant.

9 B. No unemancipated person under eighteen (18) years of age shall be issued a
10 driver license or identification card by the Department unless an authorization form,
11 prescribed and furnished by the Department, authorizing the finger imaging of the

1 person and signed by the legal custodial parent or legal guardian of the person, is in the
2 possession of the Department.

3 C. No law enforcement agency of the state or federal government other than the
4 Department of Public Safety shall have access to any information collected through the
5 use of computerized finger imaging, or to computerized images obtained pursuant to
6 Section 6-111 of this title, without first obtaining a court order from a judge of competent
7 jurisdiction. Each application for an order authorizing the access to any information
8 collected through the use of computerized finger imaging, or to computerized images
9 obtained pursuant to Section 6-111 of this title, shall be made in writing upon oath or
10 affirmation to a judge of competent jurisdiction. Each application shall establish
11 probable cause for belief that a named individual is committing, has committed or is
12 about to commit a particular violation of law. Any computerized finger imaging
13 information or computerized image obtained pursuant to Section 6-111 of this title which
14 has been shared with any person or entity, public or private, for any purpose other than
15 compliance with a court order pursuant to this subsection shall be retrieved and secured
16 by the Department.

17 D. The Commissioner of Public Safety shall adopt rules as may be necessary to
18 carry out the provisions of this section.

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

1 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,
2 dated 03-04-08 - DO PASS.