

3 Senate Bill No. 1675

4 SENATE BILL NO. 1675 - By: BARRINGTON of the Senate and DENNEY of
5 the House.

6 An Act relating to state government; amending 74 O.S. 2001,
7 Section 150.5, as last amended by Section 17, Chapter 205,
8 O.S.L. 2006 (74 O.S. Supp. 2007, Section 150.5), which
9 relates to Oklahoma State Bureau of Investigation
10 investigations; authorizing disclosure of certain
11 information to employees of the Department of Human
12 Services; and providing an effective date.

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

14 SECTION 1. AMENDATORY 74 O.S. 2001, Section 150.5, as
15 last amended by Section 17, Chapter 205, O.S.L. 2006 (74 O.S. Supp.
16 2007, Section 150.5), is amended to read as follows:

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

- 20 a. the Governor,
21 b. the Attorney General,
22 c. the Council on Judicial Complaints upon a vote by a
23 majority of the Council,
24 d. the chair of any Legislative Investigating Committee
25 which has been granted subpoena powers by resolution,
26 upon authorization by a vote of the majority of the
27 Committee,

- 1 e. the Director of the Department of Human Services, or
2 designee, as authorized by Section 7106 of Title 10 of
3 the Oklahoma Statutes, or
4 f. a district court judge as authorized by Section ~~15~~
5 7104.1 of this act Title 10 of the Oklahoma Statutes.

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

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

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

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

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

22 F. The State Treasurer shall initiate a complete background
23 investigation of the positions with the written consent of the

1 persons who are the subject of the investigation pursuant to
2 subsection I of Section 71.1 of Title 62 of the Oklahoma Statutes.
3 The Bureau shall advise the State Treasurer and the Cash Management
4 and Investment Oversight Commission in writing of the results of the
5 investigation.

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

7 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,
8 dated 2-12-08 - DO PASS, As Coauthored.