

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1152

By: Corn

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma State Bureau of
8 Investigation; amending 74 O.S. 2001, Section 150.9,
9 as last amended by Section 11, Chapter 204, O.S.L.
10 2003 (74 O.S. Supp. 2007, Section 150.9), which
11 relates to criminal history record searches; adding
12 additional criminal history record search categories;
13 setting fees; providing an effective date; and
14 declaring an emergency.

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

16 SECTION 1. AMENDATORY 74 O.S. 2001, Section 150.9, as
17 last amended by Section 11, Chapter 204, O.S.L. 2003 (74 O.S. Supp.
18 2007, Section 150.9), is amended to read as follows:

19 Section 150.9 A. The Oklahoma State Bureau of Investigation
20 shall procure, file and maintain criminal history records for each
21 person subject to the mandatory reporting provisions of ~~this act~~
22 Section 150.1 et seq. of this title, including photographs,
23 descriptions, fingerprints, measurements and other pertinent
24 information relating to such persons. It shall be the duty of law
enforcement officers and agencies, sheriffs, police, courts,
judicial officials, district attorneys, and the persons in charge of

1 any state correctional facility or institution to furnish criminal
2 history records to the Bureau as required by Section 150.1 et seq.
3 of this title. The Oklahoma State Bureau of Investigation shall
4 cooperate with and assist the sheriffs, chiefs of police and other
5 law enforcement officers of the state by maintaining a complete
6 criminal history record on each person subject to the mandatory
7 reporting requirements of ~~this act~~ Section 150.1 et seq. of this
8 title, and shall have on file the fingerprint impressions of all
9 such persons together with other pertinent information as may from
10 time to time be received from the law enforcement officers of this
11 and other states or as may be required by law.

12 B. The Oklahoma Department of Consumer Credit, the Oklahoma
13 State Insurance Commission, the Oklahoma Horse Racing Commission, or
14 any other state agency, board, department or commission or any other
15 person or entity requesting a criminal history record or an analysis
16 of fingerprints for commercial, licensing or other purposes, except
17 law enforcement purposes, shall pay a fee to the Bureau for each
18 criminal history record or fingerprint analysis as follows:

19 Oklahoma criminal history record only	\$15.00 each
20 <u>Oklahoma criminal history record with</u>	
21 <u>search of Oklahoma Sex Offender Registry</u>	<u>\$20.00 each</u>
22 Oklahoma criminal history record with	
23 fingerprint analysis	\$19.00 each
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1 Oklahoma criminal history record with
2 fingerprint analysis and search of
3 Oklahoma Sex Offender Registry \$24.00 each

4 National criminal history record with
5 fingerprint analysis \$41.00 each

6 National criminal history record with
7 search of Oklahoma Sex Offender Registry \$46.00 each

8 1. For purposes of this section, "a national criminal history
9 record check" means a check of criminal history records entailing
10 the fingerprinting of the individual and submission of the
11 fingerprints to the United States Federal Bureau of Investigation
12 (FBI) for the purpose of obtaining the national criminal history
13 record of the person from the FBI. A criminal history record check
14 may be obtained only when a check is authorized or required by state
15 or federal law.

16 2. Unless a national criminal history record is specifically
17 requested, a fingerprint analysis shall be limited to only those
18 records available at the Oklahoma State Bureau of Investigation.
19 Following receipt of the appropriate fee, the Bureau shall provide,
20 as soon as possible, the criminal history record requested;
21 provided, however, it shall be the duty and responsibility of the
22 requesting authority to evaluate the criminal history record as such
23 record may apply to a specific purpose or intent. An individual may
24 submit a certified court record showing that a charge was dismissed

1 or a certified copy of a gubernatorial pardon to the Oklahoma State
2 Bureau of Investigation, and upon verification of that record the
3 Bureau records shall reflect the dismissal of that charge.

4 C. The Oklahoma Bureau of Investigation may maintain an
5 identification file, including fingerprint impressions, on any
6 person under eighteen (18) years of age who is arrested or subject
7 to criminal or juvenile delinquency proceedings, provided all such
8 information shall be confidential and shall only be made available
9 to the Bureau and other law enforcement agencies. Whenever a
10 fingerprint impression or other identification information is
11 submitted to the Bureau on a person under eighteen (18) years of
12 age, the Bureau may retain and file such fingerprint and
13 identification information for identification purposes only. The
14 Bureau shall ensure that the information received and maintained for
15 identification purposes on persons under eighteen (18) years of age
16 shall be handled and processed with great care to keep such
17 information confidential from the general public. The Bureau may
18 receive and maintain the fingerprints and other identification
19 information on any person under eighteen (18) years of age believed
20 to be the subject of a runaway, missing, or abduction investigation,
21 for identification purposes at the request of a parent, guardian or
22 legal custodian of the person.

23 D. Any person who knowingly procures, utters, or offers any
24 false, forged or materially altered criminal history record shall be

1 guilty of a felony and upon conviction shall be punished by
2 imprisonment in the State Penitentiary for a period not to exceed
3 five (5) years or by a fine not to exceed Five Thousand Dollars
4 (\$5,000.00), or by both such fine and imprisonment.

5 SECTION 2. This act shall become effective July 1, 2008.

6 SECTION 3. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

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