

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1412

By: Brogdon

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5  
6 AS INTRODUCED

7 An Act relating to public safety; amending 47 O.S.  
8 2001, Section 6-110.2, as last amended by Section 15,  
9 Chapter 311, O.S.L. 2006 (47 O.S. Supp. 2007, Section  
10 6-110.2), which relates to computerized finger  
11 imaging; prohibiting access by state or federal  
12 agencies to certain images without court order;  
13 requiring the Department of Public Safety to retrieve  
14 and secure certain information; and declaring an  
15 emergency.

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

17 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-110.2, as  
18 last amended by Section 15, Chapter 311, O.S.L. 2006 (47 O.S. Supp.  
19 2007, Section 6-110.2), is amended to read as follows:

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

1 B. No unemancipated person under eighteen (18) years of age  
2 shall be issued a driver license or identification card by the  
3 Department unless an authorization form, prescribed and furnished by  
4 the Department, authorizing the finger imaging of the person and  
5 signed by the legal custodial parent or legal guardian of the  
6 person, is in the possession of the Department.

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

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

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

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