

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1413

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; providing an option for certain applicants  
12 to submit finger images; providing for issuance of  
13 certain documents without submission of finger  
14 images; prohibiting certain unemancipated persons  
15 from submitting finger images without certain  
16 authorization; requiring certain applicants to sign  
17 certain form; directing content of certain form;  
18 requiring the Department of Public Safety to retrieve  
19 and secure certain information; and declaring an  
20 emergency.

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

22 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-110.2, as  
23 last amended by Section 15, Chapter 311, O.S.L. 2006 (47 O.S. Supp.  
24 2007, Section 6-110.2), is amended to read as follows:

Section 6-110.2 A. The Department of Public Safety shall  
implement a procedure for computerized finger imaging by means of an  
inkless finger image scanning device ~~and shall require~~ which will  
allow every applicant for an original, renewal or replacement driver  
license or identification card who so desires to submit to finger

1 imaging for the purposes of proof of identity and to ensure the  
2 security of the driver license or identification card issued to the  
3 applicant. Nothing in this section shall be construed to compel any  
4 applicant to submit to finger imaging.

5 B. No unemancipated person under eighteen (18) years of age  
6 shall be issued a driver license or identification card by the  
7 Department unless submit to finger imaging unless the legal  
8 custodial parent or legal guardian of the person signs an  
9 authorization form, prescribed and furnished by the Department,  
10 authorizing the finger imaging of the person and signed by the legal  
11 custodial parent or legal guardian of the person, is in the  
12 possession of the Department.

13 C. Before an applicant may provide a finger image, the  
14 applicant shall sign a form, furnished by the Department, which  
15 states the following:

16 "I voluntarily submit to finger imaging for the purpose of  
17 receiving an original, renewal or replacement driver license or  
18 identification card. I understand that the finger image I submit is  
19 compatible with international biometric information standards. I  
20 understand that these standards make it possible for biometric  
21 information to be shared internationally. I understand that  
22 biometric technologies can be inaccurate and that I could be at risk  
23 of being incorrectly identified by the use of such technologies. I  
24 understand that the Department of Public Safety will retain my

1 finger image, and cannot release my finger image to any agency of  
2 the state or federal government without a court order."

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

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

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

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