

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1673

By: Barrington

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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 amended by Section 11, Chapter 204, O.S.L. 2003
10 (74 O.S. Supp. 2007, Section 150.9) which relates to
11 criminal history records search; requiring certain
12 criminal history records checks on certain persons;
13 clarifying responsibility for payment of certain
14 fees; providing an effective date; and declaring an
15 emergency.

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

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

20 A. The Oklahoma State Bureau of Investigation shall procure,
21 file and maintain criminal history records for each person subject
22 to ~~the mandatory reporting provisions of this act~~ as provided by
23 law, including photographs, descriptions, fingerprints, measurements
24 and other pertinent 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

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

12 B. 1. 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~~ authorized to request a criminal history
16 record or an analysis of fingerprints for commercial, licensing or
17 other purposes, except law enforcement purposes, shall conduct a
18 national criminal history records check on all persons authorized to
19 access or review national criminal history records checks
20 information.

21 2. Each agency, person or entity authorized to request a
22 criminal history record or an analysis of fingerprints shall pay a
23 fee to the Bureau for each criminal history record or fingerprint
24 analysis as follows:

1	Oklahoma criminal history record only	\$15.00 each
2	Oklahoma criminal history record	
3	with fingerprint analysis	\$19.00 each
4	National criminal history record	
5	with fingerprint analysis	\$41.00 each

6 ~~1-~~ 3. For purposes of this section, "a national criminal
7 history record check" means a check of criminal history records
8 entailing the fingerprinting of the individual and submission of the
9 fingerprints to the United States Federal Bureau of Investigation
10 (FBI) for the purpose of obtaining the national criminal history
11 record of the person from the FBI. A criminal history record check
12 may be obtained only when a check is authorized or required by state
13 or federal law.

14 ~~2-~~ 4. Unless a national criminal history record is specifically
15 requested, a fingerprint analysis shall be limited to only those
16 records available at the Oklahoma State Bureau of Investigation.
17 Following receipt of the appropriate fee, the Bureau shall provide,
18 as soon as possible, the criminal history record requested;
19 provided, however, it shall be the duty and responsibility of the
20 requesting authority to evaluate the criminal history record as such
21 record may apply to a specific purpose or intent. An individual may
22 submit a certified court record showing that a charge was dismissed
23 or a certified copy of a gubernatorial pardon to the Oklahoma State
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1 Bureau of Investigation, and upon verification of that record the
2 Bureau records shall reflect the dismissal of that charge.

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

22 D. Any person who knowingly procures, utters, or offers any
23 false, forged or materially altered criminal history record shall be
24 guilty of a felony and upon conviction shall be punished by

1 imprisonment in the State Penitentiary for a period not to exceed
2 five (5) years or by a fine not to exceed Five Thousand Dollars
3 (\$5,000.00), or by both such fine and imprisonment.

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

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

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