

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1049 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: John Carey

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1049

By: Carey

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to officers; amending 51 O.S. 2001,
9 Section 24A.8, as last amended by Section 36, Chapter
10 16, O.S.L. 2006 (51 O.S. Supp. 2008, Section 24A.8),
11 which relates to the Oklahoma Open Records Act;
12 modifying certain records available for public
13 inspection; and providing an effective date.

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

15 SECTION 1. AMENDATORY 51 O.S. 2001, Section 24A.8, as
16 last amended by Section 36, Chapter 16, O.S.L. 2006 (51 O.S. Supp.
17 2008, Section 24A.8), is amended to read as follows:

18 Section 24A.8 A. Law enforcement agencies shall make available
19 for public inspection, if kept, the following records:

- 20 1. An arrestee description, including the name, date of birth,
21 address, race, sex, physical description, and occupation of the
22 arrestee;
- 23 2. Facts concerning the arrest, including the cause of arrest
24 and the name of the arresting officer;

1 3. A chronological list of all incidents ~~pertaining to the~~
2 ~~arrest~~, including initial offense report information showing the
3 offense, date, time, general location, officer, and a brief summary
4 of what occurred; ~~and~~

5 4. Radio logs, including a chronological listing of the calls
6 dispatched;

7 ~~B. Law enforcement agencies shall make available for public~~
8 ~~inspection, if kept, the following records:~~

9 ~~1-~~ 5. Conviction information, including the name of any person
10 convicted of a criminal offense;

11 ~~2-~~ 6. Disposition of all warrants, including orders signed by a
12 judge of any court commanding a law enforcement officer to arrest a
13 particular person;

14 ~~3-~~ 7. A crime summary, including an agency summary of crimes
15 reported and public calls for service by classification or nature
16 and number; and

17 ~~4-~~ 8. Jail registers, including jail blotter data or jail
18 booking information recorded on persons at the time of incarceration
19 showing the name of each prisoner with the date and cause of
20 commitment, the authority committing the prisoner, whether committed
21 for a criminal offense, a description of the prisoner, and the date
22 or manner of discharge or escape of the prisoner.

23 ~~C. B.~~ Except for the records listed in ~~subsections~~ subsection A
24 ~~and B~~ of this section and those made open by other state or local

1 laws, law enforcement agencies may deny access to law enforcement
2 records except where a court finds that the public interest or the
3 interest of an individual outweighs the reason for denial.

4 ~~D.~~ C. Nothing contained in this section imposes any new
5 recordkeeping requirements. Law enforcement records shall be kept
6 for as long as is now or may hereafter be specified by law. Absent
7 a legal requirement for the keeping of a law enforcement record for
8 a specific time period, law enforcement agencies shall maintain
9 their records for so long as needed for administrative purposes.

10 ~~E.~~ D. Registration files maintained by the Department of
11 Corrections pursuant to the provisions of the Sex Offenders
12 Registration Act shall be made available for public inspection in a
13 manner to be determined by the Department.

14 ~~F.~~ E. The Council on Law Enforcement Education and Training
15 (C.L.E.E.T.) shall keep confidential all records it maintains
16 pursuant to Section 3311 of Title 70 of the Oklahoma Statutes and
17 deny release of records relating to any employed or certified full-
18 time officer, reserve officer, retired officer or other person;
19 teacher lesson plans, tests and other teaching materials; and
20 personal communications concerning individual students except under
21 the following circumstances:

22 1. To verify the current certification status of any peace
23 officer;

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1 2. As may be required to perform the duties imposed by Section
2 3311 of Title 70 of the Oklahoma Statutes;

3 3. To provide to any peace officer copies of the records of
4 that peace officer upon submitting a written request;

5 4. To provide, upon written request, to any law enforcement
6 agency conducting an official investigation, copies of the records
7 of any peace officer who is the subject of such investigation;

8 5. To provide final orders of administrative proceedings where
9 an adverse action was taken against a peace officer; and

10 6. Pursuant to an order of the district court of the State of
11 Oklahoma.

12 ~~G.~~ F. The Department of Public Safety shall keep confidential:

13 1. All records it maintains pursuant to its authority under
14 Title 47 of the Oklahoma Statutes relating to the Oklahoma Highway
15 Patrol Division, the Communications Division, and other divisions of
16 the Department relating to:

17 a. training, lesson plans, teaching materials, tests, and
18 test results,

19 b. policies, procedures, and operations, any of which are
20 of a tactical nature, and

21 c. the following information from radio logs:

22 (1) telephone numbers,

23 (2) addresses other than the location of incidents to
24 which officers are dispatched, and

1 (3) personal information which is contrary to the
2 provisions of the Driver's Privacy Protection
3 Act, 18 United States Code, Sections 2721 through
4 2725; and

5 2. For the purpose of preventing identity theft and invasion of
6 law enforcement computer systems, except as provided in Title 47 of
7 the Oklahoma Statutes, all driving records.

8 SECTION 2. This act shall become effective November 1, 2009.

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10 52-1-6659 LRB 02/02/09

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