

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3294 _____
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: Sue Tibbs

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3294

By: Tibbs

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to state government; amending 74 O.S.
9 2001, Section 150.5, as last amended by Section 162,
10 Chapter 234, O.S.L. 2009 (74 O.S. Supp. 2009, Section
11 150.5), which relates to investigation procedures of
12 the Oklahoma State Bureau of Investigation;
13 authorizing use of investigation records under
14 certain circumstances; and providing an effective
15 date.

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

17 SECTION 1. AMENDATORY 74 O.S. 2001, Section 150.5, as
18 last amended by Section 162, Chapter 234, O.S.L. 2009 (74 O.S. Supp.
19 2009, Section 150.5), is amended to read as follows:

20 Section 150.5 A. 1. Oklahoma State Bureau of Investigation
21 investigations not covered under Section 150.2 of this title shall
22 be initiated at the request of the following persons:

- 23 a. the Governor,
- 24 b. the Attorney General,
- c. the Council on Judicial Complaints upon a vote by a
majority of the Council,

- 1 d. the chair of any Legislative Investigating Committee
2 which has been granted subpoena powers by resolution,
3 upon authorization by a vote of the majority of the
4 Committee,
- 5 e. the Director of the Department of Human Services, or
6 designee, as authorized by Section 1-2-105 of Title
7 10A of the Oklahoma Statutes, or
- 8 f. a district court judge as authorized by Section 1-2-
9 103 of Title 10A of the Oklahoma Statutes.

10 2. Requests for investigations shall be submitted in writing
11 and shall contain specific allegations of wrongdoing under the laws
12 of the State of Oklahoma.

13 B. The Governor may initiate special background investigations
14 with the written consent of the person who is the subject of the
15 investigation.

16 C. The chair of any Senate committee which is fulfilling the
17 statutory responsibility for approving nominations made by the
18 Governor may, upon a vote by a majority of the committee and with
19 the written consent of the person who is to be the subject of the
20 investigation, initiate a special background investigation of any
21 nominee for the Oklahoma Horse Racing Commission as established by
22 Section 201 of Title 3A of the Oklahoma Statutes or any nominee for
23 the Board of Trustees of the Oklahoma Lottery Commission as
24 established by Section 704 of Title 3A of the Oklahoma Statutes.

1 The Bureau shall submit a report to the committee within thirty (30)
2 days of the receipt of the request. Any consideration by the
3 committee of a report from the Bureau shall be for the exclusive use
4 of the committee and shall be considered only in executive session.

5 D. 1. All records relating to any investigation being
6 conducted by the Bureau, including any records of laboratory
7 services provided to law enforcement agencies pursuant to paragraph
8 1 of Section 150.2 of this title, shall be confidential and shall
9 not be open to the public or to the Commission except as provided in
10 Section 150.4 of this title; provided, however, officers and agents
11 of the Bureau may disclose, at the discretion of the Director, such
12 investigative information to:

- 13 a. officers and agents of federal, state, county, or
14 municipal law enforcement agencies and to district
15 attorneys, in the furtherance of criminal
16 investigations within their respective jurisdictions,
- 17 b. employees of the Department of Human Services in the
18 furtherance of child abuse investigations, and
- 19 c. appropriate accreditation bodies for the purposes of
20 the Bureau's obtaining or maintaining accreditation.

21 2. Any unauthorized disclosure of any information contained in
22 the confidential files of the Bureau shall be a misdemeanor. The
23 person or entity authorized to initiate investigations in this
24 section, and the Attorney General in the case of investigations

1 initiated by the Insurance Commissioner, shall receive a report of
2 the results of the requested investigation. The person or entity
3 requesting the investigation may give that information only to the
4 appropriate prosecutorial officer or agency having statutory
5 authority in the matter if that action appears proper from the
6 information contained in the report, and shall not reveal or give
7 such information to any other person or agency. Violation hereof
8 shall be deemed willful neglect of duty and shall be grounds for
9 removal from office.

10 E. It shall not be a violation of this section to reveal
11 otherwise confidential information to outside agencies or
12 individuals who are providing interpreter services, questioned
13 document analysis, ~~and other~~ laboratory services, or other
14 specialized services that are necessary in the assistance of Bureau
15 investigations. Individuals or agencies receiving the confidential
16 and investigative information or records or results of laboratory
17 services provided to the Bureau by those agencies or individuals,
18 shall be subject to the confidentiality provisions and requirements
19 established in subsection D of this section.

20 F. It shall not be a violation of this section to reveal for
21 training or educational purposes otherwise confidential information
22 from records relating to any investigation previously conducted by
23 the Bureau, including any records of laboratory services provided to
24 law enforcement agencies pursuant to paragraph 1 of Section 150.2 of

1 this title, so long as ten (10) or more years have passed since the
2 production of the information or record.

3 G. It shall not be a violation of this section to reveal
4 otherwise confidential information from records relating to any
5 investigation being conducted by the Bureau, including any records
6 of laboratory services provided to law enforcement agencies pursuant
7 to paragraph 1 of Section 150.2 of this title or to the public,
8 provided, release of the confidential information has been
9 authorized by the Director of the Bureau for the purposes of
10 developing or obtaining further information reasonably necessary to
11 the successful conclusion of a criminal investigation being
12 conducted by the Bureau.

13 H. The State Treasurer shall initiate a complete background
14 investigation of the positions with the written consent of the
15 persons who are the subject of the investigation pursuant to
16 subsection I of Section 71.1 of Title 62 of the Oklahoma Statutes.
17 The Bureau shall advise the State Treasurer and the Cash Management
18 and Investment Oversight Commission in writing of the results of the
19 investigation.

20 SECTION 2. This act shall become effective November 1, 2010.

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22 52-2-9641 GRS 02/04/10

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