

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 2199, by striking the title, enacting clause and entire body of the bill and substituting the attached floor substitute.

Submitted by:

Senator Coffee

Coffee-KDM-FS-Req#3749
2/22/2010 3:23 PM

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 2199

6 By: Coffee and Easley of the
7 Senate

8 and

9 Jones of the House

10 FLOOR SUBSTITUTE

11 [schools - felony record searches - effective date -
12 repealer -
13 emergency]

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

15 SECTION 1. AMENDATORY 70 O.S. 2001, Section 5-142, is
16 amended to read as follows:

17 Section 5-142. A. ~~The provisions of this section shall apply~~
18 ~~to a school district with an average daily membership of thirty~~
19 ~~thousand (30,000) students or less. For purposes of employment, a~~
20 ~~local~~ board of education may request in writing ~~from~~ to the State
21 Board of Education ~~information concerning any felony offense~~
22 ~~conviction~~ that a national criminal history record check be
23 conducted of any employee of the school ~~or~~ and shall request such
24 information for any person seeking employment with the school. ~~The~~

1 ~~request shall specify whether the felony record search is to be~~
2 ~~based only on the name submitted by the employee or prospective~~
3 ~~employee or on the basis of fingerprints to be required of the~~
4 ~~employee or prospective employee. The request shall further specify~~
5 ~~whether the search is to be a state or national search. If a~~
6 ~~national search is requested, the search shall be based on~~
7 ~~fingerprints, and the Oklahoma State Bureau of Investigation (OSBI)~~
8 shall obtain fingerprints of the employee or prospective employee
9 and require that ~~said~~ the person pay a search fee not to exceed
10 Fifty Dollars (\$50.00) or the cost of the search, whichever is the
11 lesser amount. The fees shall be deposited in the OSBI Revolving
12 Fund. School districts ~~are hereby authorized to~~ shall reimburse
13 employees for the cost of the search. The State Board of Education
14 shall contact the Oklahoma State Bureau of Investigation for any
15 ~~felony~~ national criminal history record of ~~said~~ the person within
16 fourteen (14) working days of receiving a written request from the
17 board of education.

18 B. The Oklahoma State Bureau of Investigation shall provide the
19 ~~felony~~ national criminal history record check requested by the State
20 Board of Education within fourteen (14) working days from the
21 receipt of ~~said~~ the request. The Bureau may contact the Federal
22 Bureau of Investigation ~~as regards~~ to obtain the information
23 requested, ~~to obtain any felony convictions of the person involved.~~
24 ~~The felony record provided by the Oklahoma State Bureau of~~

1 ~~Investigation shall include the name of the person, whether or not~~
2 ~~said person has been convicted of any felony offense, a list of any~~
3 ~~felony convictions, and the dates of such convictions.~~

4 C. The State Board of Education shall provide the information
5 received from the Oklahoma State Bureau of Investigation to the
6 ~~local~~ board of education within fourteen (14) days from the receipt
7 of ~~said~~ the information. The State Board of Education shall provide
8 any follow-up information received from the OSBI concerning a person
9 for which a national criminal history record check was requested to
10 the employing board of education.

11 D. For the purpose of this section, ~~"board.~~

12 1. "Board of education" includes both public and private boards
13 of education within or outside this state; and

14 2. "National criminal history record check" means a national
15 criminal history record check as defined in Section 150.9 of Title
16 74 of the Oklahoma Statutes.

17 E. Each public board of education within this state shall
18 promulgate a statement of that school districts' policy regarding
19 felony record searches. ~~If the~~ The policy ~~requires felony record~~
20 ~~searches, the policy~~ may permit employment for not to exceed sixty
21 (60) days pending receipt of results of ~~felony search~~ national
22 criminal history record check requests. ~~If the policy requires a~~
23 ~~search based on fingerprints, prospective~~ Prospective employees
24 shall be notified of the requirement, the fee and the reimbursement

1 policy when first interviewed concerning employment. The school
2 district's reimbursement policy shall provide, at the minimum, that
3 employees shall be promptly reimbursed in full for the fee if
4 employed by the district at the time the ~~felony search~~ national
5 criminal history record check request is made unless the person was
6 employed pending receipt of results as set forth above.

7 F. Any person applying for employment as a substitute teacher
8 shall only be required to have one such ~~felony~~ national criminal
9 history record search check for the school year. Upon request of
10 the substitute teacher, that ~~felony~~ record ~~search~~ check may be sent
11 to any other school district in which the substitute teacher is
12 applying to teach.

13 SECTION 2. REPEALER 70 O.S. Supp. 2001, Section 5-
14 142.1), is hereby repealed.

15 SECTION 3. This act shall become effective July 1, 2010.

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

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21 52-2-3749 KDM 2/22/2010 3:23:03 PM

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