

THE HOUSE OF REPRESENTATIVES  
Tuesday, February 10, 2009

Committee Substitute for  
House Bill No. 1049

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1049 - By: CAREY of the House and PADDACK of the Senate.

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

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

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

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

6 1. An arrestee description, including the name, date of birth, address, race, sex,  
7 physical description, and occupation of the arrestee;

8 2. Facts concerning the arrest, including the cause of arrest and the name of the  
9 arresting officer;

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

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

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

7           ~~1. 5.~~ Conviction information, including the name of any person convicted of a  
8 criminal offense;

9           ~~2. 6.~~ Disposition of all warrants, including orders signed by a judge of any court  
10 commanding a law enforcement officer to arrest a particular person;

11           ~~3. 7.~~ A crime summary, including an agency summary of crimes reported and public  
12 calls for service by classification or nature and number; and

13           ~~4. 8.~~ Jail registers, including jail blotter data or jail booking information recorded  
14 on persons at the time of incarceration showing the name of each prisoner with the date  
15 and cause of commitment, the authority committing the prisoner, whether committed for  
16 a criminal offense, a description of the prisoner, and the date or manner of discharge or  
17 escape of the prisoner.

18           ~~C. B.~~ Except for the records listed in ~~subsections~~ subsection A ~~and B~~ of this section  
19 and those made open by other state or local laws, law enforcement agencies may deny  
20 access to law enforcement records except where a court finds that the public interest or  
21 the interest of an individual outweighs the reason for denial.

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

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

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

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

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

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

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

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

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

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

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

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

9           b.       policies, procedures, and operations, any of which are of a tactical  
10           nature, and

11          c.       the following information from radio logs:

12           (1)     telephone numbers,

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

15           (3)     personal information which is contrary to the provisions of the  
16           Driver's Privacy Protection Act, 18 United States Code, Sections  
17           2721 through 2725; and

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

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

1 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 02-  
2 09-09 - DO PASS, As Amended and Coauthored.