

THE HOUSE OF REPRESENTATIVES
Wednesday, February 24, 2010

Committee Substitute for
House Bill No. 2541

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2541 - By: COOKSEY of the House and JOLLEY of the Senate.

An Act relating to officers; Section 1, Chapter 72, O.S.L. 2005 (51 O.S. Supp. 2009, Section 24A.29), which relates to the Oklahoma Open Records Act; making certain information in municipal court records confidential; and providing an effective date.

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

1 SECTION 1. AMENDATORY Section 1, Chapter 72, O.S.L. 2005 (51 O.S.
2 Supp. 2009, Section 24A.29), is amended to read as follows:

3 Section 24A.29 A. Unless confidentiality is specifically required by law, any order
4 directing the withholding or removal of pleadings or other material from a public record
5 shall contain:

6 1. A statement that the court has determined it is necessary in the interests of
7 justice to remove the material from the public record and in those instances where such
8 withholding is required by law, the order shall so indicate;

9 2. Specific identification of the material which is to be withheld, removed or
10 withdrawn from the public record, or which is to be filed but not placed in the public
11 record; and

1 3. A requirement that any party seeking to file protected materials place such
2 materials in a sealed manila envelope clearly marked with the caption and case number,
3 the word “CONFIDENTIAL”, and stating the date the order was entered and the name of
4 the judge entering the order.

5 B. No protective order entered after the filing and microfilming of documents of any
6 kind shall be construed to require the microfilm record of such filing to be amended in
7 any fashion, and no other accounting entries may be affected by such order.

8 C. The party or counsel who has received the protective order shall be responsible
9 for promptly presenting the order to appropriate supervisory court clerk personnel for
10 action.

11 D. All documents produced or testimony given under a protective order shall be
12 retained in the office of counsel until required by the court to be filed in the case.

13 E. Counsel for the respective parties shall be responsible for informing witnesses
14 and other persons, as necessary, of the contents of the protective order.

15 F. When a case is filed in which a party intends to seek an order withholding
16 removing material from the public record, the parties shall be initially designated on the
17 petition under a pseudonym such as “John or Jane Doe”, or “Roe”, and the petition shall
18 clearly indicate that the party designations are fictitious. The party seeking
19 confidentiality or other order withholding or removing the case, in whole or in part from
20 the public record, shall immediately present application to the court, seeking instructions
21 for the conduct of the case, including confidentiality of the records.

1 G. It shall be the duty of the party filing confidential materials with the court to
2 remove the materials from the custody of the court clerk within sixty (60) days after
3 dismissal or other disposition of the main case in which the materials were filed. If the
4 party fails to remove confidential documents, the court clerk shall be authorized to
5 destroy without notice such materials after a period of one (1) year has elapsed since the
6 dismissal or other disposition of the main case in which materials were filed.

7 H. Municipal courts shall keep confidential all personal identifying information of
8 the parties involved in any case in municipal court. The personal identifying information
9 that shall be kept confidential includes the following:

- 10 1. Credit card numbers;
11 2. Social security numbers; and
12 3. Bank account numbers.

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

14 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-23-10 - DO PASS,
15 As Amended and Coauthored.