

THE HOUSE OF REPRESENTATIVES
Monday, February 22, 2010

Committee Substitute for
House Bill No. 3294

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3294 - By: TIBBS of the House and BARRINGTON of the Senate.

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

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

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

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

- 7 a. the Governor,
- 8 b. the Attorney General,
- 9 c. the Council on Judicial Complaints upon a vote by a majority of the
10 Council,

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

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

11 B. The Governor may initiate special background investigations with the written
12 consent of the person who is the subject of the investigation.

13 C. The chair of any Senate committee which is fulfilling the statutory responsibility
14 for approving nominations made by the Governor may, upon a vote by a majority of the
15 committee and with the written consent of the person who is to be the subject of the
16 investigation, initiate a special background investigation of any nominee for the
17 Oklahoma Horse Racing Commission as established by Section 201 of Title 3A of the
18 Oklahoma Statutes or any nominee for the Board of Trustees of the Oklahoma Lottery
19 Commission as established by Section 704 of Title 3A of the Oklahoma Statutes. The
20 Bureau shall submit a report to the committee within thirty (30) days of the receipt of
21 the request. Any consideration by the committee of a report from the Bureau shall be for
22 the exclusive use of the committee and shall be considered only in executive session.

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

- 7 a. officers and agents of federal, state, county, or municipal law
8 enforcement agencies and to district attorneys, in the furtherance of
9 criminal investigations within their respective jurisdictions,
- 10 b. employees of the Department of Human Services in the furtherance of
11 child abuse investigations, and
- 12 c. appropriate accreditation bodies for the purposes of the Bureau's
13 obtaining or maintaining accreditation.

14 2. Any unauthorized disclosure of any information contained in the confidential
15 files of the Bureau shall be a misdemeanor. The person or entity authorized to initiate
16 investigations in this section, and the Attorney General in the case of investigations
17 initiated by the Insurance Commissioner, shall receive a report of the results of the
18 requested investigation. The person or entity requesting the investigation may give that
19 information only to the appropriate prosecutorial officer or agency having statutory
20 authority in the matter if that action appears proper from the information contained in
21 the report, and shall not reveal or give such information to any other person or agency.

1 Violation hereof shall be deemed willful neglect of duty and shall be grounds for removal
2 from office.

3 E. It shall not be a violation of this section to reveal otherwise confidential
4 information to outside agencies or individuals who are providing interpreter services,
5 questioned document analysis, ~~and other~~ laboratory services, or other specialized
6 services that are necessary in the assistance of Bureau investigations. Individuals or
7 agencies receiving the confidential and investigative information or records or results of
8 laboratory services provided to the Bureau by those agencies or individuals, shall be
9 subject to the confidentiality provisions and requirements established in subsection D of
10 this section.

11 F. It shall not be a violation of this section to reveal for training or educational
12 purposes otherwise confidential information from records relating to any investigation
13 previously conducted by the Bureau, including any records of laboratory services
14 provided to law enforcement agencies pursuant to paragraph 1 of Section 150.2 of this
15 title, so long as ten (10) or more years have passed since the production of the
16 information or record.

17 G. It shall not be a violation of this section to reveal otherwise confidential
18 information from records relating to any investigation being conducted by the Bureau,
19 including any records of laboratory services provided to law enforcement agencies
20 pursuant to paragraph 1 of Section 150.2 of this title or to the public, provided, release of
21 the confidential information has been authorized by the Director of the Bureau for the

1 purposes of developing or obtaining further information reasonably necessary to the
2 successful conclusion of a criminal investigation being conducted by the Bureau.

3 H. The State Treasurer shall initiate a complete background investigation of the
4 positions with the written consent of the persons who are the subject of the investigation
5 pursuant to subsection I of Section 71.1 of Title 62 of the Oklahoma Statutes. The
6 Bureau shall advise the State Treasurer and the Cash Management and Investment
7 Oversight Commission in writing of the results of the investigation.

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

9 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02-18-10 - DO
10 PASS, As Amended and Coauthored.