

EHB 2541

THE STATE SENATE
Thursday, March 25, 2010

ENGROSSED

House Bill No. 2541

ENGROSSED 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:

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

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

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

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 Specific identification of the material which is to be withheld, removed or withdrawn from the public record, or which is to be filed but not placed in the public record; and

3. A requirement that any party seeking to file protected materials place such materials in a sealed manila envelope clearly

1 marked with the caption and case number, the word "CONFIDENTIAL",
2 and stating the date the order was entered and the name of the judge
3 entering the order.

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

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

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

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

17 F. When a case is filed in which a party intends to seek an
18 order withholding removing material from the public record, the
19 parties shall be initially designated on the petition under a
20 pseudonym such as "John or Jane Doe", or "Roe", and the petition
21 shall clearly indicate that the party designations are fictitious.
22 The party seeking confidentiality or other order withholding or
23 removing the case, in whole or in part from the public record, shall

1 immediately present application to the court, seeking instructions
2 for the conduct of the case, including confidentiality of the
3 records.

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

12 H. Municipal courts shall keep confidential all personal
13 identifying information of the parties involved in any case in
14 municipal court. The personal identifying information that shall be
15 kept confidential includes the following:

- 16 1. Credit card numbers;
17 2. Social security numbers; and
18 3. Bank account numbers.

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

20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-23-10 - DO
21 PASS.