

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1049

By: Carey

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5
6 AS INTRODUCED

7 An Act relating to officers; amending 51 O.S. 2001,
8 Section 24A.8, as last amended by Section 36, Chapter
9 16, O.S.L. 2006 (51 O.S. Supp. 2008, Section 24A.8),
10 which relates to the Oklahoma Open Records Act;
11 modifying certain records available for public
12 inspection; and providing an effective date.

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

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

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

19 1. An arrestee description, including the name, date of birth,
20 address, race, sex, physical description, and occupation of the
21 arrestee;

22 2. Facts concerning the arrest, including the cause of arrest
23 and the name of the arresting officer;

1 3. A chronological list of all incidents ~~pertaining to the~~
2 ~~arrest~~, including initial offense report information showing the
3 offense, date, time, specific address, if known, or general
4 location, officer, and a ~~brief summary~~ statement summarizing
5 noninvestigatory observations and facts of what occurred at each
6 incident; and

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

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

11 ~~1- 5.~~ 5. Conviction information, including the name of any person
12 convicted of a criminal offense;

13 ~~2- 6.~~ 6. Disposition of all warrants, including orders signed by a
14 judge of any court commanding a law enforcement officer to arrest a
15 particular person;

16 ~~3- 7.~~ 7. A crime summary, including an agency summary of crimes
17 reported and public calls for service by classification or nature
18 and number; and

19 ~~4- 8.~~ 8. Jail registers, including jail blotter data or jail
20 booking information recorded on persons at the time of incarceration
21 showing the name of each prisoner with the date and cause of
22 commitment, the authority committing the prisoner, whether committed
23 for a criminal offense, a description of the prisoner, and the date
24 or manner of discharge or escape of the prisoner.

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

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

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

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

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- 1 1. To verify the current certification status of any peace
2 officer;
- 3 2. As may be required to perform the duties imposed by Section
4 3311 of Title 70 of the Oklahoma Statutes;
- 5 3. To provide to any peace officer copies of the records of
6 that peace officer upon submitting a written request;
- 7 4. To provide, upon written request, to any law enforcement
8 agency conducting an official investigation, copies of the records
9 of any peace officer who is the subject of such investigation;
- 10 5. To provide final orders of administrative proceedings where
11 an adverse action was taken against a peace officer; and
- 12 6. Pursuant to an order of the district court of the State of
13 Oklahoma.

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

- 15 1. All records it maintains pursuant to its authority under
16 Title 47 of the Oklahoma Statutes relating to the Oklahoma Highway
17 Patrol Division, the Communications Division, and other divisions of
18 the Department relating to:
 - 19 a. training, lesson plans, teaching materials, tests, and
20 test results,
 - 21 b. policies, procedures, and operations, any of which are
22 of a tactical nature, and
 - 23 c. the following information from radio logs:
 - 24 (1) telephone numbers,

- 1 (2) addresses other than the location of incidents to
2 which officers are dispatched, and
3 (3) personal information which is contrary to the
4 provisions of the Driver's Privacy Protection
5 Act, 18 United States Code, Sections 2721 through
6 2725; and

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

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

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12 52-1-5823 LRB 12/30/08
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