

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1396

By: Ritze

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6 AS INTRODUCED

7 An Act relating to state government; amending 74 O.S.
8 2001, Section 3111, which relates to restrictions on
9 use of social security numbers; prohibiting
10 disclosure of social security number to nonaffiliated
11 third party; requiring certain information be
12 provided when disclosure of social security number is
13 requested; proscribing the denial of any right,
14 benefit or privilege for refusing to disclose social
15 security number; prohibiting entities from requiring,
16 requesting or using biometric data, biometric samples
17 and biometric templates; proscribing the denial of
18 any right, benefit or privilege for refusing to
19 disclose biometric data, samples or templates;
20 directing the destruction of previously collected
21 biometric data, samples or templates within certain
22 period of time; defining term; and providing an
23 effective date.

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

20 SECTION 1. AMENDATORY 74 O.S. 2001, Section 3111, is
21 amended to read as follows:

22 Section 3111. A. No state agency, board, commission or other
23 unit or subdivision of state government shall request or require,
24 except as otherwise required by law, that any person reveal the

1 social security number of such person in order to obtain services or
2 assistance, nor shall any state agency, board, commission or other
3 unit or subdivision of state government use, for any purpose,
4 numbers which correspond to the social security number of any person
5 or disclose the social security number of any person to a
6 nonaffiliated third party, except as otherwise required by law. If
7 disclosure of the social security number of the person is required,
8 the requesting entity shall inform the person under what authority
9 the social security number is being requested and whether such
10 disclosure is mandatory or voluntary. Provided that any state
11 agency, board, commission, unit or subdivision of state government
12 using social security numbers for a particular purpose prior to
13 January 1, 1974, may continue to use and require social security
14 numbers for that purpose only and provided, further, that the
15 provisions of Section 3101 et seq. of this title shall not be
16 construed to prohibit the use or requirement of disclosure of one's
17 social security number if the use of the number is related to the
18 Social Security Administration or benefits thereunder, or, subject
19 to the provisions of Section 1-311.1 of Title 63 of the Oklahoma
20 Statutes, to prohibit the use or requirement of disclosure of the
21 social security numbers of the mother and father by the Vital
22 Records Section of the State Department of Health in the
23 administration of the issuance of birth records.

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1 B. The provisions of this section shall not be construed to
2 prohibit the Oklahoma Tax Commission from requiring the disclosure
3 by any person of his or her social security number in order to
4 administer any state tax law, as defined by Section 202 of Title 68
5 of the Oklahoma Statutes or in order for the State Treasurer to
6 administer any provision of the Uniform Unclaimed Property Act, if
7 such administration requires the Tax Commission or State Treasurer
8 to obtain the social security number of any person.

9 C. The provisions of this section shall not prohibit the State
10 Department of Education or a board of education of a school district
11 from requesting any student who wishes to enroll in or is enrolled
12 in any public school in this state to disclose the social security
13 account number of the student in order for the Department to
14 administer any provision of the Oklahoma School Testing Program Act,
15 for the collection of appropriate and necessary data pursuant to the
16 Oklahoma Educational Indicators Program, for the purpose of
17 determining student enrollment, to establish a mobility rate or for
18 the allocation of State Aid Formula and midyear adjustment in
19 funding for student growth. The State Department of Education or a
20 board of education of a school district shall not deny to any
21 student any right, benefit, or privilege provided by law because of
22 the refusal by the student to disclose the social security account
23 number of the student. If the State Department of Education or a
24 board of education of a school district requests a student to

1 disclose the student's social security account number, the State
2 Department of Education or a board of education of a school district
3 shall inform the student by what statutory or other authority such
4 number is solicited and what uses will be made of the number.

5 D. The State Board of Education is authorized to develop an
6 alternative accountability system for tracking students to
7 administer any provision of the Oklahoma School Testing Program Act,
8 for the collection of appropriate and necessary data pursuant to the
9 Oklahoma Educational Indicators Program, for the purpose of
10 determining student enrollment, to establish a mobility rate or for
11 the allocation of State Aid Formula and midyear adjustment in
12 funding for student growth. The accountability system shall be
13 developed only if, in the determination of the Board, the provisions
14 of subsection C of this section are not sufficient to allow for the
15 adequate implementation of the provisions of the Oklahoma School
16 Testing Program Act or the Oklahoma Educational Indicators Program.

17 E. No person shall be denied any right, benefit, or privilege
18 provided by law because of the refusal by such person to disclose
19 the social security number of the person, unless disclosure is
20 required by law.

21 F. No state agency, board, commission or other unit or
22 subdivision of state government shall request or require any person
23 to submit biometric data, a biometric sample or a biometric template
24 in order to obtain services or assistance, nor shall any state

1 agency, board, commission or other unit or subdivision of state
2 government use, for any purpose, biometric data, a biometric sample
3 or a biometric template. No person shall be denied any right,
4 benefit, or privilege provided by law because of the refusal by such
5 person to provide biometric data, a biometric sample, or a biometric
6 template. Any biometric data, biometric sample or biometric
7 template, previously collected and contained in any active database,
8 archival or records of a state agency, board, commission or other
9 unit or subdivision of state government shall, within six (6) months
10 permanently destroy all such records and if, in the case of a
11 photograph or facial image identification card, shall make
12 provisions to capture such facial images to a lower resolution than
13 specified in subsection G of this section.

14 G. For purposes of this section, "biometric data," "biometric
15 sample" and "biometric template" includes, but is not limited to:

16 1. Facial feature pattern characteristics;

17 2. Computerized facial image or hard copy of the same that when
18 scanned by electronic means may be used to create a computerized
19 facial image that exceeds an uncompressed photographic resolution
20 where the width of the head is 49 pixels or more of resolution,
21 which corresponds to a maximum full image of 85 pixels or more of
22 resolution, and an image height of 106 pixels or more of resolution;

23 3. Voice data used for comparing live speech with a previously
24 created speech model of the voice of a person;

1 4. Iris recognition data containing color or texture patterns
2 or codes;

3 5. Retinal scans, reading through the pupil to measure blood
4 vessels lining the retina;

5 6. Behavior characteristics of a handwritten signature, such as
6 shape, speed, pressure, pen angle, or sequence;

7 7. Fingerprints, palm prints, and other methods for measuring
8 or recording ridge pattern or fingertip characteristics;

9 8. Keystroke dynamics, measuring pressure applied to key pads;

10 9. Hand geometry, measuring hand characteristics, including the
11 shape and length of fingers, in three (3) dimensions; and

12 10. Deoxyribonucleic acid (DNA) or ribonucleic acid (RNA).

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

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15 52-1-5678 GRS 01/09/09

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