

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2541

By: Cooksey

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6 AS INTRODUCED

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

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

13 SECTION 1. AMENDATORY Section 1, Chapter 72, O.S.L. 2005  
14 (51 O.S. Supp. 2009, Section 24A.29), is amended to read as follows:

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

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

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23 withheld, removed or withdrawn from the public record, or which is  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

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

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

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

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

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

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

1 removing the case, in whole or in part from the public record, shall  
2 immediately present application to the court, seeking instructions  
3 for the conduct of the case, including confidentiality of the  
4 records.

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

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

- 17 1. Driver license and identification card numbers;
- 18 2. Credit card numbers;
- 19 3. Social security numbers; and
- 20 4. Bank account numbers.

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

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23 52-2-8171 GRS 01/04/10  
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