

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3294

By: Tibbs

4
5 AS INTRODUCED

6 An Act relating to state government; amending 74 O.S.
7 2001, Section 150.5, as last amended by Section 162,
8 Chapter 234, O.S.L. 2009 (74 O.S. Supp. 2009, Section
9 150.5), which relates to investigation procedures of
10 the Oklahoma State Bureau of Investigation;
11 authorizing use of investigation records under
12 certain circumstances; and providing an effective
13 date.

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

15 SECTION 1. AMENDATORY 74 O.S. 2001, Section 150.5, as
16 last amended by Section 162, Chapter 234, O.S.L. 2009 (74 O.S. Supp.
17 2009, Section 150.5), is amended to read as follows:

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

- 21 a. the Governor,
- 22 b. the Attorney General,
- 23 c. the Council on Judicial Complaints upon a vote by a
24 majority of the Council,

1 d. the chair of any Legislative Investigating Committee
2 which has been granted subpoena powers by resolution,
3 upon authorization by a vote of the majority of the
4 Committee,

5 e. the Director of the Department of Human Services, or
6 designee, as authorized by Section 1-2-105 of Title
7 10A of the Oklahoma Statutes, or

8 f. a district court judge as authorized by Section 1-2-
9 103 of Title 10A of the Oklahoma Statutes.

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

13 B. The Governor may initiate special background investigations
14 with the written consent of the person who is the subject of the
15 investigation.

16 C. The chair of any Senate committee which is fulfilling the
17 statutory responsibility for approving nominations made by the
18 Governor may, upon a vote by a majority of the committee and with
19 the written consent of the person who is to be the subject of the
20 investigation, initiate a special background investigation of any
21 nominee for the Oklahoma Horse Racing Commission as established by
22 Section 201 of Title 3A of the Oklahoma Statutes or any nominee for
23 the Board of Trustees of the Oklahoma Lottery Commission as
24 established by Section 704 of Title 3A of the Oklahoma Statutes.

1 The Bureau shall submit a report to the committee within thirty (30)
2 days of the receipt of the request. Any consideration by the
3 committee of a report from the Bureau shall be for the exclusive use
4 of the committee and shall be considered only in executive session.

5 D. 1. All records relating to any investigation being
6 conducted by the Bureau, including any records of laboratory
7 services provided to law enforcement agencies pursuant to paragraph
8 1 of Section 150.2 of this title, shall be confidential and shall
9 not be open to the public or to the Commission except as provided in
10 Section 150.4 of this title; provided, however, officers and agents
11 of the Bureau may disclose, at the discretion of the Director, such
12 investigative information to:

- 13 a. officers and agents of federal, state, county, or
14 municipal law enforcement agencies and to district
15 attorneys, in the furtherance of criminal
16 investigations within their respective jurisdictions,
- 17 b. employees of the Department of Human Services in the
18 furtherance of child abuse investigations, and
- 19 c. appropriate accreditation bodies for the purposes of
20 the Bureau's obtaining or maintaining accreditation.

21 2. Any unauthorized disclosure of any information contained in
22 the confidential files of the Bureau shall be a misdemeanor. The
23 person or entity authorized to initiate investigations in this
24 section, and the Attorney General in the case of investigations

1 initiated by the Insurance Commissioner, shall receive a report of
2 the results of the requested investigation. The person or entity
3 requesting the investigation may give that information only to the
4 appropriate prosecutorial officer or agency having statutory
5 authority in the matter if that action appears proper from the
6 information contained in the report, and shall not reveal or give
7 such information to any other person or agency. Violation hereof
8 shall be deemed willful neglect of duty and shall be grounds for
9 removal from office.

10 E. It shall not be a violation of this section to reveal
11 otherwise confidential information to outside agencies or
12 individuals who are providing interpreter services, questioned
13 document analysis, and other laboratory services that are necessary
14 in the assistance of Bureau investigations. Individuals or agencies
15 receiving the confidential and investigative information or records
16 or results of laboratory services provided to the Bureau by those
17 agencies or individuals, shall be subject to the confidentiality
18 provisions and requirements established in subsection D of this
19 section.

20 F. It shall not be a violation of this section to reveal for
21 training or educational purposes otherwise confidential information
22 from records relating to any investigation previously conducted by
23 the Bureau, including any records of laboratory services provided to
24 law enforcement agencies pursuant to paragraph 1 of Section 150.2 of

1 this title, so long as ten (10) or more years have passed since the
2 production of the information or record.

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

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

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