

1 STATE OF OKLAHOMA

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

3 SENATE BILL 923

By: Sykes

4
5 AS INTRODUCED

6 An Act relating to public safety; amending 47 O.S.
7 2001, Section 6-110.2, as last amended by Section 6,
8 Chapter 159, O.S.L. 2008 (47 O.S. Supp. 2008, Section
9 6-110.2), which relates to computerized finger
10 imaging; providing an option for submission of image;
11 allowing issuance of certain documents without image;
12 prohibiting certain persons from submitting images
without authorization; requiring applicants to sign
certain form; directing content of certain form;
requiring the Department of Public Safety to retrieve
and secure certain information; and declaring an
emergency.

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

15 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-110.2, as
16 last amended by Section 6, Chapter 159, O.S.L. 2008 (47 O.S. Supp.
17 2008, Section 6-110.2), is amended to read as follows:

18 Section 6-110.2. A. The Department of Public Safety shall
19 implement a procedure for computerized finger imaging by means of an
20 inkless finger image scanning device ~~and shall require~~ which will
21 allow every applicant for an original, renewal or replacement driver
22 license or identification card who so desires to submit to finger
23 imaging for the purposes of proof of identity and to ensure the
24 security of the driver license or identification card issued to the

1 applicant. Nothing in this section shall be construed to compel any
2 applicant to submit to finger imaging.

3 B. No unemancipated person under eighteen (18) years of age
4 shall ~~be issued a driver license or identification card by the~~
5 ~~Department unless~~ submit to finger imaging unless the legal
6 custodial parent or legal guardian of the person signs an
7 authorization form, prescribed and furnished by the Department,
8 authorizing the finger imaging of the person and ~~signed by the legal~~
9 ~~custodial parent or legal guardian of the person, is in the~~
10 ~~possession of the Department.~~

11 C. Before an applicant may provide a finger image, the
12 applicant shall sign a form, furnished by the Department, which
13 states the following:

14 "I voluntarily submit to finger imaging for the purpose of
15 receiving an original, renewal or replacement driver license or
16 identification card. I understand that the finger image I submit is
17 compatible with international biometric information standards. I
18 understand that these standards make it possible for biometric
19 information to be shared internationally. I understand that
20 biometric technologies can be inaccurate and that I could be at risk
21 of being incorrectly identified by the use of such technologies. I
22 understand that the Department of Public Safety will retain my
23 finger image, and cannot release my finger image to any agency of
24 the state or federal government without a court order."

1 D. No law enforcement agency of the state or federal government
2 other than the Department of Public Safety shall have access to any
3 information collected through the use of computerized finger imaging
4 without first obtaining a court order from a judge of competent
5 jurisdiction. Each application for an order authorizing the access
6 to any information collected through the use of computerized finger
7 imaging shall be made in writing upon oath or affirmation to a judge
8 of competent jurisdiction. Each application shall establish
9 probable cause for belief that a named individual is committing, has
10 committed or is about to commit a particular violation of law. Any
11 computerized finger imaging information which has been shared with
12 any person or entity, public or private, for any purpose other than
13 compliance with a court order pursuant to this subsection shall be
14 retrieved and secured by the Department.

15 ~~D.~~ E. The Commissioner of Public Safety shall adopt rules as
16 may be necessary to carry out the provisions of this section.

17 SECTION 2. It being immediately necessary for the preservation
18 of the public peace, health and safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

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