

1 Investigation pursuant to the provisions of Section 150.1 et seq. of
2 this title, to take or cause to be taken the fingerprint impressions
3 of such person or persons and to forward such fingerprint
4 impressions together with identification information to the Oklahoma
5 State Bureau of Investigation, at its Oklahoma City office. In the
6 case of any sheriff, chief of police, city marshal, constable, or
7 any other law enforcement officer equipped with a live-scan device
8 designed for the electronic capture and transmission of fingerprint
9 images approved by the Oklahoma State Bureau of Investigation,
10 fingerprint images may instead be taken and transmitted to the
11 Bureau electronically. If the sheriff, chief of police, city
12 marshal, or constable has contracted for the custody of prisoners,
13 such contractor shall be required to take the fingerprint
14 impressions of such person.

15 2. It shall not be the responsibility of, nor shall the
16 sheriff, chief of police, city marshal, constable, other law
17 enforcement officer, or contractor receiving custody of an arrested
18 person as a prisoner require the arresting officer to take the
19 fingerprint impressions of the arrested person; provided, if the
20 arresting officer is employed by the same law enforcement agency as
21 the sheriff, chief of police, city marshal, or constable receiving
22 custody of such person, the arresting officer may be required to
23 take such impressions.

1 3. The law enforcement officers shall also forward the
2 prosecution filing report and the disposition report forms to the
3 appropriate prosecuting authority within seventy-two (72) hours. If
4 fingerprint impressions have not been taken at the time of an
5 arrest, the court shall order the fingerprints to be taken by the
6 sheriff at the arraignment, first appearance, or at the time of
7 final adjudication of a defendant whose court attendance has been
8 secured by a summons or citation for any offense, except an offense
9 exempted by the rules promulgated by the Bureau. If a person is in
10 the custody of a law enforcement or correctional agency and a
11 warrant issues or an information is filed alleging the person to
12 have committed an offense other than the offense for which the
13 person is in custody, the custodial law enforcement or correctional
14 agency shall take the fingerprints of such person in connection with
15 the new offense, provided the offense is not exempted by the rules
16 of the Bureau. Any fingerprint impressions and identification
17 information required by this subsection shall be sent to the Bureau
18 within seventy-two (72) hours after taking such fingerprints.

19 B. In order to maintain a complete criminal history record, the
20 court shall inquire at the time of sentencing whether or not the
21 person has been fingerprinted for the offense upon which the
22 sentence is based and, if not, shall order the fingerprints be taken
23 immediately of such person and those fingerprints shall be sent by

1 the law enforcement agency taking the fingerprint impressions to the
2 Bureau within seventy-two (72) hours after taking the fingerprint
3 impressions.

4 C. In addition to any other fingerprints which may have been
5 taken of a person in a criminal matter, the Department of
6 Corrections shall take the fingerprints of all prisoners received at
7 the Lexington Reception and Assessment Center or otherwise received
8 into the custody of the Department and shall send copies of such
9 fingerprints together with identification information to the Bureau
10 within seventy-two (72) hours of taking such fingerprints.

11 D. The Bureau shall, upon receipt of fingerprint impressions
12 and identification information for offenses not exempt by rule of
13 the Bureau, send one copy of the fingerprint impressions to the
14 Federal Bureau of Investigation, at its Washington, D.C., office,
15 and the other copy shall be filed in the office of the Oklahoma
16 State Bureau of ~~Investigation's office~~ Investigation. The rules
17 promulgated by the Bureau pursuant to the ~~provision~~ provisions of
18 this act exempting certain offenses from mandatory reporting shall
19 ~~be based upon recommended Federal Bureau of Investigation standards~~
20 ~~for reporting criminal history information and are not intended to~~
21 not include violators of city or town ordinances minor offenses, as
22 designated and defined by the Bureau, and great care shall be
23 exercised to exclude the reporting of criminal history information

1 for such offenses, ~~except when recommended by the Federal Bureau of~~
2 ~~Investigation standards.~~

3 E. The reporting to the Oklahoma State Bureau of Investigation
4 of criminal history information on each person subject to the
5 mandatory reporting requirements of Section 150.1 et seq. of this
6 title shall be mandatory for all law enforcement agencies, courts,
7 judicial officials, district attorneys and correctional
8 administrators participating in criminal matters, whether reported
9 directly or indirectly, manually or by automated system as may be
10 provided by the rules promulgated by the Bureau.

11 F. Except for offenses exempted by the rules promulgated by the
12 Bureau, the following events shall be reported to the Bureau within
13 seventy-two (72) hours and the Bureau shall have seventy-two (72)
14 hours after receipt of the report to enter such information into a
15 criminal record data base:

- 16 1. An arrest;
- 17 2. The release of a person after arrest without the filing of
18 any charge; and
- 19 3. A decision of a prosecutor not to commence criminal
20 proceedings or to defer or postpone prosecution.

21 G. Except for offenses exempted by the rules promulgated by the
22 Bureau, the following events shall be reported to the Bureau within
23 thirty (30) days and the Bureau shall have thirty (30) days after
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1 receipt of the report to enter such information into a criminal
2 record data base:

3 1. A decision by a prosecutor to modify or amend initial
4 charges upon which the arrest was made, including deletions or
5 additions of charges or counts;

6 2. The presentment of an indictment or the filing of a criminal
7 information or other statement of charges;

8 3. The dismissal of an indictment or criminal information or
9 any charge specified in such indictment or criminal information;

10 4. An acquittal, conviction or other court disposition at trial
11 or before, during or following trial, including dispositions
12 resulting from pleas or other agreements;

13 5. The imposition of a sentence;

14 6. The commitment to or release from the custody of the
15 Department of Corrections or incarceration in any jail or other
16 correctional facility;

17 7. The escape from custody of any correctional facility, jail
18 or authority;

19 8. The commitment to or release from probation or parole;

20 9. An order of any appellate court;

21 10. A pardon, reprieve, commutation of sentence or other change
22 in sentence, including a change ordered by the court;

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1 11. A revocation of probation or parole or other change in
2 probation or parole status; and

3 12. Any other event arising out of or occurring during the
4 course of criminal proceedings or terms of the sentence deemed
5 necessary as provided by the rules established by the Bureau.

6 The Bureau shall have authority to withhold any entry on a
7 criminal history record when there is reason to believe the entry is
8 based on error or an unlawful order. The Bureau shall in such case
9 take immediate action to clarify or correct the entry.

10 H. Information reportable under the provisions of this section
11 shall be reportable by the law enforcement officer or person
12 directly responsible for the action, event or decision, unless
13 otherwise provided by rule or agreement. The form and content of
14 information to be reported and methods for reporting information,
15 including fingerprint impressions and other identification
16 information, shall be established by the rules promulgated by the
17 Bureau. ~~The Bureau is hereby directed to establish rules to
18 implement the provisions of Section 150.1 et seq. of this title,
19 provided any rule relating to reporting by courts or judicial
20 officials shall be issued jointly by the Bureau and the Oklahoma
21 Supreme Court.~~

22 I. Any person or agency subject to the mandatory reporting of
23 criminal history information or fingerprints as required by the
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1 provisions of this act shall take appropriate steps to ensure that
2 appropriate agency officials and employees understand such
3 requirements. Each agency shall establish, and in appropriate cases
4 impose, administrative sanctions for failure of an official or
5 employee to report as provided by law. Refusal or persistent
6 failure of a person or agency to comply with the mandatory reporting
7 requirements of this act may result in the discontinued access to
8 Bureau information or assistance until such agency complies with the
9 law.

10 J. All expungement orders which are presented to the Bureau for
11 alterations to criminal history records must be accompanied by a
12 payment of One Hundred Fifty Dollars (\$150.00) payable to the
13 Bureau. The subject of the criminal history, whose record is being
14 amended or updated based upon an expungement order, is responsible
15 for such payment. Payment shall be rendered before any expungement
16 order may be processed by the Bureau.

17 SECTION 2. This act shall become effective November 1, 2011.

18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02-17-2011 -
19 DO PASS.

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