

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1244

By: McDaniel (Randy)

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5
6 AS INTRODUCED

7 An Act relating to state government; amending 74 O.S.
8 2001, Section 150.9, as last amended by Section 1,
9 Chapter 107, O.S.L. 2008 (74 O.S. Supp. 2010, Section
10 150.9), which relates to criminal history records;
11 requiring criminal history records check for certain
12 persons; and providing an effective date.

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

14 SECTION 1. AMENDATORY 74 O.S. 2001, Section 150.9, as
15 last amended by Section 1, Chapter 107, O.S.L. 2008 (74 O.S. Supp.
16 2010, Section 150.9), is amended to read as follows:

17 Section 150.9 A. The Oklahoma State Bureau of Investigation
18 shall procure, file and maintain criminal history records for each
19 person subject to mandatory reporting as provided by law, including
20 photographs, descriptions, fingerprints, measurements and other
21 pertinent information relating to such persons. It shall be the
22 duty of law enforcement officers and agencies, sheriffs, police,
23 courts, judicial officials, district attorneys, and the persons in
24 charge of any state correctional facility or institution to furnish

1 criminal history records to the Bureau as required by Section 150.1
2 et seq. of this title. The Oklahoma State Bureau of Investigation
3 shall cooperate with and assist the sheriffs, chiefs of police and
4 other law enforcement officers of the state by maintaining a
5 complete criminal history record on each person subject to mandatory
6 reporting as provided by law, and shall have on file the fingerprint
7 impressions of all such persons together with other pertinent
8 information as may from time to time be received from the law
9 enforcement officers of this and other states or as may be required
10 by law.

11 B. 1. The Oklahoma Department of Consumer Credit, the
12 Insurance Department, the Oklahoma Horse Racing Commission, or any
13 other state agency, board, department or commission or any other
14 person or entity authorized to request a criminal history record or
15 an analysis of fingerprints for commercial, licensing or other
16 purposes, except law enforcement purposes, shall conduct a national
17 criminal history records check on all persons of the entity
18 authorized to access or review national criminal history records
19 checks information by July 1, 2009, and within sixty (60) days
20 thereafter.

21 2. Each agency, person or entity authorized to request a
22 criminal history record or an analysis of fingerprints shall pay a
23 fee to the Bureau for each criminal history record or fingerprint
24 analysis as follows:

1	Oklahoma criminal history record only	\$15.00 each
2	Oklahoma criminal history record	
3	with fingerprint analysis	\$19.00 each
4	National criminal history record	
5	with fingerprint analysis	\$41.00 each

6 3. For purposes of this section, "a national criminal history
7 record check" means a check of criminal history records entailing
8 the fingerprinting of the individual and submission of the
9 fingerprints to the United States Federal Bureau of Investigation
10 (FBI) for the purpose of obtaining the national criminal history
11 record of the person from the FBI. A criminal history record check
12 may be obtained only when a check is authorized or required by state
13 or federal law.

14 4. Unless a national criminal history record is specifically
15 requested, a fingerprint analysis shall be limited to only those
16 records available at the Oklahoma State Bureau of Investigation.
17 Following receipt of the appropriate fee, the Bureau shall provide,
18 as soon as possible, the criminal history record requested;
19 provided, however, it shall be the duty and responsibility of the
20 requesting authority to evaluate the criminal history record as such
21 record may apply to a specific purpose or intent. An individual may
22 submit a certified court record showing that a charge was dismissed
23 or a certified copy of a gubernatorial pardon to the Oklahoma State
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1 Bureau of Investigation, and upon verification of that record the
2 Bureau records shall reflect the dismissal of that charge.

3 5. The local governing board of a youth sports league that
4 utilizes any municipal, county or state facility, court, or playing
5 field shall request a national criminal history records check on all
6 adult managers, coaches, assistant managers and assistant coaches
7 prior to any involvement by the person in the youth sports league.

8 C. The Oklahoma State Bureau of Investigation may maintain an
9 identification file, including fingerprint impressions, on any
10 person under eighteen (18) years of age who is arrested or subject
11 to criminal or juvenile delinquency proceedings, provided all such
12 information shall be confidential and shall only be made available
13 to the Bureau and other law enforcement agencies. Whenever a
14 fingerprint impression or other identification information is
15 submitted to the Bureau on a person under eighteen (18) years of
16 age, the Bureau may retain and file such fingerprint and
17 identification information for identification purposes only. The
18 Bureau shall ensure that the information received and maintained for
19 identification purposes on persons under eighteen (18) years of age
20 shall be handled and processed with great care to keep such
21 information confidential from the general public. The Bureau may
22 receive and maintain the fingerprints and other identification
23 information on any person under eighteen (18) years of age believed
24 to be the subject of a runaway, missing, or abduction investigation,

1 for identification purposes at the request of a parent, guardian or
2 legal custodian of the person.

3 D. Any person who knowingly procures, utters, or offers any
4 false, forged or materially altered criminal history record shall be
5 guilty of a felony and upon conviction shall be punished by
6 imprisonment in the custody of the Department of Corrections for a
7 period not to exceed five (5) years or by a fine not to exceed Five
8 Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

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

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