

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2490

By: Casey

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5  
6 AS INTRODUCED

7 An Act relating to state government; amending 74 O.S.  
8 2011, Section 150.9, which relates to criminal  
9 history records; authorizing the Oklahoma State  
10 Bureau of Investigation to provide certain criminal  
11 history record updates; and providing an effective  
12 date.

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

14 SECTION 1. AMENDATORY 74 O.S. 2011, Section 150.9, is  
15 amended to read as follows:

16 Section 150.9 A. The Oklahoma State Bureau of Investigation  
17 shall procure, file and maintain criminal history records for each  
18 person subject to mandatory reporting as provided by law, including  
19 photographs, descriptions, fingerprints, measurements and other  
20 pertinent information relating to such persons. It shall be the  
21 duty of law enforcement officers and agencies, sheriffs, police,  
22 courts, judicial officials, district attorneys, and the persons in  
23 charge of any state correctional facility or institution to furnish  
24 criminal history records to the Bureau as required by Section 150.1

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

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

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

24 Oklahoma criminal history record only \$15.00 each

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

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

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

1 deemed appropriate, the Bureau is authorized to provide rap back  
2 information consisting of subsequent changes or updates to a  
3 criminal history record to the person or entity that has previously  
4 requested the particular criminal history record.

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

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

7 SECTION 2. This act shall become effective November 1, 2012.

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9 53-2-8907 GRS 12/14/11

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