

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1244

By: Holt

4
5
6 AS INTRODUCED

7 An Act relating to public records; amending 51 O.S.
8 2011, Section 24A.3, which relates to the Oklahoma
9 Open Records Act; modifying definition; stating
10 records of Legislature required to be open; providing
11 for confidentiality of certain information;
12 specifying application; providing for codification;
13 providing for noncodification; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY 51 O.S. 2011, Section 24A.3, is
17 amended to read as follows:

18 Section 24A.3. As used in ~~this act~~ the Oklahoma Open Records
19 Act:

20 1. "Record" means all documents, including, but not limited to,
21 any book, paper, photograph, microfilm, data files created by or
22 used with computer software, computer tape, disk, record, sound
23 recording, film recording, video record or other material regardless
24 of physical form or characteristic, created by, received by, under
the authority of, or coming into the custody, control or possession

1 of public officials, public bodies, or their representatives in
2 connection with the transaction of public business, the expenditure
3 of public funds or the administering of public property. "Record"
4 does not mean:

5 a. computer software,

6 b. nongovernment personal effects,

7 c. unless public disclosure is required by other laws or
8 regulations, vehicle movement records of the Oklahoma

9 Transportation Authority obtained in connection with
10 the Authority's electronic toll collection system,

11 d. personal financial information, credit reports or

12 other financial data obtained by or submitted to a
13 public body for the purpose of evaluating credit

14 worthiness, obtaining a license, permit, or for the

15 purpose of becoming qualified to contract with a

16 public body,

17 e. any digital audio/video recordings of the toll

18 collection and safeguarding activities of the Oklahoma
19 Transportation Authority,

20 f. any personal information provided by a guest at any

21 facility owned or operated by the Oklahoma Tourism and

22 Recreation Department or the Board of Trustees of the

23 Quartz Mountain Arts and Conference Center and Nature

24 Park to obtain any service at the facility or by a

- 1 purchaser of a product sold by or through the Oklahoma
2 Tourism and Recreation Department or the Quartz
3 Mountain Arts and Conference Center and Nature Park,
4 g. a Department of Defense Form 214 (DD Form 214) filed
5 with a county clerk, including any DD Form 214 filed
6 before ~~the effective date of this act~~ July 1, 2002, or
7 h. except as provided for in Section 2-110 of Title 47 of
8 the Oklahoma Statutes,
- 9 (1) any record in connection with a Motor Vehicle
10 Report issued by the Department of Public Safety,
11 as prescribed in Section 6-117 of Title 47 of the
12 Oklahoma Statutes,
 - 13 (2) personal information within driver records, as
14 defined by the Driver's Privacy Protection Act,
15 18 United States Code, Sections 2721 through
16 2725, which are stored and maintained by the
17 Department of Public Safety, or
 - 18 (3) audio or video recordings of the Department of
19 Public Safety;

20 2. "Public body" shall include, but not be limited to, the
21 Legislature, any office, department, board, bureau, commission,
22 agency, trusteeship, authority, council, committee, trust or any
23 entity created by a trust, county, city, village, town, township,
24 district, school district, fair board, court, executive office,

1 advisory group, task force, study group, or any subdivision thereof,
2 supported in whole or in part by public funds or entrusted with the
3 expenditure of public funds or administering or operating public
4 property, and all committees, or subcommittees thereof. Except for
5 the records required by Section 24A.4 of this title, "public body"
6 does not mean judges, justices, or the Council on Judicial
7 Complaints, ~~the Legislature, or legislators;~~

8 3. "Public office" means the physical location where public
9 bodies conduct business or keep records;

10 4. "Public official" means any official or employee of any
11 public body as defined herein; and

12 5. "Law enforcement agency" means any public body charged with
13 enforcing state or local criminal laws and initiating criminal
14 prosecutions, including, but not limited to, police departments,
15 county sheriffs, the Department of Public Safety, the Oklahoma State
16 Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic
17 Beverage Laws Enforcement Commission, and the Oklahoma State Bureau
18 of Investigation.

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 24A.14a of Title 51, unless
21 there is created a duplication in numbering, reads as follows:

22 A. The following records of the Legislature shall be open
23 pursuant to the provisions of the Oklahoma Open Records Act:
24

1 1. Records relating to legislation filed for consideration in a
2 particular session of the Legislature, which shall be open beginning
3 on July 1 following sine die adjournment of a regular session and
4 twenty-one (21) days following sine die adjournment of a special
5 session;

6 2. Records required by Section 24A.4 of Title 51 of the
7 Oklahoma Statutes; and

8 3. Any other records of the Legislature specifically required
9 by law or rule to be available to the public.

10 B. Information in records specified in paragraph 1 of
11 subsection A of this section which would identify an individual,
12 other than a person who is a registered lobbyist or a public officer
13 or employee acting in his or her official capacity, may be redacted
14 to protect the identity of the individual. Provided, if a public
15 employee is acting pursuant to the provisions of the Whistleblower
16 Act, information in such records which would identify the public
17 employee may be kept confidential at the discretion of the custodian
18 of the records.

19 SECTION 3. NEW LAW A new section of law not to be
20 codified in the Oklahoma Statutes reads as follows:

21 The provisions of this act shall apply to records of the
22 Legislature relating to legislation filed for the 2013 regular
23 legislative session and all regular or special legislative sessions
24 thereafter.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

SECTION 4. This act shall become effective November 1, 2012.

53-2-2900 CD 1/17/2012 12:30:48 PM