

1 STATE OF OKLAHOMA

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

3 SENATE BILL 511

By: Russell

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5
6 AS INTRODUCED

7 An Act relating to disclosure of personal
8 information; stating legislative findings;
9 prohibiting publication of certain records under
10 specified circumstances; requiring specified
11 information for certain letter; directing maintenance
12 of certain list; requiring removal of certain records
13 within certain time period under specified
14 circumstances; authorizing certain action; allowing
15 certain relief; authorizing award of certain costs
16 and fees; authorizing imposition of fine for certain
17 violation; defining terms; construing provisions;
18 providing for codification; and providing an
19 effective date.

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

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 301 of Title 19, unless there is
23 created a duplication in numbering, reads as follows:

24 A. The Legislature finds that the safety of law enforcement
officials, elected or appointed, and staff or personnel is at an
increasing risk due to personal information, including but not
limited to home addresses with maps, being accessible on the
internet.

1 B. Upon receipt of a certified letter or other document, the
2 County Clerk and County Assessor shall not publish or make available
3 the home address of an elected or appointed law enforcement official
4 or a member of the official's staff or personnel in an internet or
5 online format. Such letter or document shall be on agency
6 letterhead stating:

7 1. The legal and physical home address of the law enforcement
8 official, staff or personnel;

9 2. A statement of the exemption claimed; and

10 3. Except for judges, a certification from the agency director
11 or official that the individual is an employee of that agency.

12 C. A list of the law enforcement address internet exemptions
13 claimed shall be maintained by the chief judge of the district court
14 of the county where the property is located.

15 D. Any person, business, governmental entity or association
16 that receives the written demand of an elected or appointed official
17 or a member of the official's staff or personnel pursuant to this
18 section shall remove the official's home address or telephone number
19 from public display on the Internet within forty-eight (48) hours of
20 delivery of the written demand, and shall continue to ensure that
21 this information is not reposted on the same Internet Web site,
22 subsidiary site, or any other Internet Web site maintained by the
23 recipient.

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1 E. A law enforcement official or members of the official's
2 staff or personnel whose home address is made public as a result of
3 a violation of subsection D of this section may bring an action
4 seeking injunctive or declarative relief in any court of competent
5 jurisdiction. If a court finds that a violation has occurred, it
6 may grant injunctive or declarative relief and shall award the
7 official court costs and reasonable attorney fees. The court may
8 impose a fine not to exceed One Thousand Dollars (\$1,000.00) for a
9 violation of the court's order for an injunction or declarative
10 relief obtained pursuant to this paragraph.

11 F. As used in this section:

12 1. "Law Enforcement Official" shall include:

- 13 a. an employee of a police department, sheriff's office
14 or state or federal law enforcement agency,
15 b. a municipal, district, state or federal judge,
16 c. an employee of the attorney general or district
17 attorneys office, a municipal prosecutor or an
18 employee of the U.S. Attorney's office, or
19 d. an investigator of a state agency that is CLEET
20 certified and a state agency director that employees
21 CLEET certified officers as investigators and is
22 required as a part of their duties to enforce Oklahoma
23 laws.
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2. "Home address" means the location where the official resides and has a homestead exemption filed and a secondary residence in which:

- a. the title is in the law enforcement official's name,
- or
- b. the official has children under the age of 18 living.

G. Nothing in this act shall be construed as to affect actual documents maintained in the courthouse or assessor's office in the county where the property is located.

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

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