

1 Section 6-110.3 A. 1. The Legislature finds that the
2 enactment into law by the United States Congress of the federal REAL
3 ID Act of 2005, Public Law Number 109-13, is inimical to the
4 security and well-being of the people of Oklahoma, will cause
5 approximately Eight Million Dollars (\$8,000,000.00) in added expense
6 and inconvenience to our state, and was adopted by the United States
7 Congress in violation of the principles of federalism contained in
8 the Tenth Amendment to the United States Constitution.

9 2. The State of Oklahoma shall not participate in the
10 implementation of the REAL ID Act of 2005. The Department of Public
11 Safety is hereby directed not to implement the provisions of the
12 REAL ID Act of 2005 and to report to the Governor and the
13 Legislature any attempt by agencies or agents of the United States
14 Department of Homeland Security to secure the implementation of the
15 REAL ID Act of 2005 through the operations of that or any other
16 state department.

17 B. No department or agency of the state charged with motor
18 vehicle registration or operation, the issuance or renewal of driver
19 licenses, or the issuance or renewal of any identification cards
20 shall collect, obtain, or retain any data in connection with
21 activities related to complying with the REAL ID Act of 2005.

22 C. Any biometric data previously collected, obtained, or
23 retained in connection with motor vehicle registration or operation,
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1 the issuance or renewal of driver licenses, or the issuance or
2 renewal of any identification cards by any department or agency of
3 this state charged with those activities shall be retrieved and
4 deleted from any and all databases. The provisions of this
5 subsection shall not apply to any data collected, obtained or
6 retained for a purpose other than complying with the REAL ID Act of
7 2005.

8 D. Beginning November 1, 2013, the Department of Public Safety
9 shall modify the application for the issuance of a Class D driver
10 license or an identification card to contain a statement of
11 exemption. The statement of exemption shall contain the following
12 language:

13 "BIOMETRIC IDENTIFICATION RELIGIOUS EXEMPTION

14 Because of my religious beliefs, I object to enrollment in an
15 international biometric identification system including, but not
16 limited to, facial recognition and digital fingerprinting that
17 directly connects my body to identification and personal biometric
18 information sharing."

19 E. Any applicant who has signed the exemption shall be exempt
20 from supplying biometric data to the Department of Public Safety.

21 F. 1. A current Class D driver licensee or identification
22 cardholder may make an application for a replacement or renewal of
23 the license or identification card for the purpose of signing the

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1 exemption at any time in accordance with applicable laws regarding
2 issuance, renewal or replacement of a Class D driver license or an
3 identification card.

4 2. Any existing facial image, if present, that is to be used
5 for such issuance shall be modified by the Department to comply with
6 the photo resolution provisions of this section or shall be
7 permanently deleted from the database of the Department after
8 printing the document.

9 G. The Department of Public Safety shall cease collecting,
10 retaining or disclosing biometric data, biometric samples or
11 biometric templates from and making biometric comparisons of an
12 applicant who has signed the exemption. The Department shall store
13 facial images of applicants who sign the exemption:

14 1. In the format where the facial image collected does not
15 exceed an uncompressed photographic resolution where the width of
16 the head is forty-nine (49) pixels or more of resolution, which
17 corresponds to a maximum full image width of eighty-five (85) pixels
18 or more and a maximum image height of one hundred six (106) pixels
19 or more; and

20 2. In a separate database that is not accessible by any other
21 governmental or nongovernmental entity.

22 H. The Department of Public Safety shall not retain at any time
23 more than one facial image of an applicant who has signed the
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1 exemption. Only the facial image printed on the most current Class
2 D driver license or identification card issued to the applicant
3 shall be retained by the Department. All previously collected
4 images of the applicant shall be permanently and immediately deleted
5 and the collection by the Department of Public Safety of any new
6 facial image of the applicant who has signed the exemption shall
7 cause any previous facial image to be permanently and immediately
8 deleted.

9 I. The Department of Public Safety may disclose the facial
10 image of an applicant retained in the database of the Department of
11 Public Safety only to a law enforcement officer, law enforcement
12 agency, the Department of Human Services for purposes of child
13 support enforcement, or to the public for assistance in locating a
14 person of interest or a missing person, provided that access to the
15 facial image is limited to one name, one record and one facial
16 image. Nothing in this section shall be construed as preventing a
17 motor license agent from performing his or her duties as required by
18 law.

19 J. The provisions of this section shall not be construed to
20 prevent the following:

21 1. The collection or retention of photographs or fingerprints,
22 including for biometric comparisons, for the purpose of enforcing
23 laws relating to serious traffic offenses including, but not limited
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1 to, driving while intoxicated, reckless driving, negligent homicide
2 with the use of a motor vehicle, operating a motor vehicle after
3 being declared a habitual motor vehicle offender, or any other
4 offense for which a physical custody arrest is required;

5 2. The collection of fingerprints for the Transportation
6 Security Administration for the purpose of performing criminal
7 record checks required under federal regulations governing the
8 issuance of hazardous materials endorsements on commercial driver
9 licenses and the taking, and retention, of fingerprints for that
10 express purpose;

11 3. Requesting and receiving motor vehicle and driver license
12 records or from having legal access to information in the possession
13 of the Department by law enforcement agencies, provided that such
14 access and requests for such information are specific to individual
15 records and individual persons; or

16 4. The administration of the Sex Offenders Registration Act as
17 it applies to the issuance of a driver license or identification
18 card.

19 K. A law enforcement officer, the employing agency of the
20 officer, the Department of Public Safety, and the State of Oklahoma
21 shall be immune from any liability for any loss or hardship suffered
22 by a Class D licensee or identification cardholder because the
23 licensee or cardholder signed the exemption.

1 L. For purposes of this section, "biometric data" includes, but
2 is not limited to:

3 1. Facial feature pattern characteristics;

4 2. Voice data used for comparing live speech with a previously
5 created speech model of a person's voice;

6 3. Iris recognition data containing color or texture patterns
7 or codes;

8 4. Retinal scans, reading through the pupil to measure blood
9 vessels lining the retina;

10 5. Behavior characteristics of a handwritten signature, such as
11 shape, speed, pressure, pen angle, or sequence;

12 6. ~~Fingerprints, palm prints, and other methods for measuring
13 or recording ridge pattern or fingertip characteristics;~~

14 7. Keystroke dynamics, measuring pressure applied to key pads;

15 ~~8.~~ 7. Hand geometry, measuring hand characteristics, including
16 the shape and length of fingers, in three (3) dimensions; ~~and~~

17 ~~9.~~ 8. Deoxyribonucleic acid (DNA) and/or ribonucleic acid
18 (RNA); and

19 9. A computerized facial image, or a hard copy of a facial
20 image that, when scanned by electronic means, may be used to create
21 a computerized facial image, which exceeds an uncompressed
22 photographic resolution where the width of the head is forty-nine
23 (49) pixels or more of resolution, which corresponds to a maximum

1 full image width of eighty-five (85) pixels or more of resolution,
2 and an image height of one hundred six (106) pixels or more of
3 resolution.

4 SECTION 2. This act shall become effective November 1, 2013.

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6 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION, dated
7 03/04/2013 - DO PASS, As Amended and Coauthored.
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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.