

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 HOUSE BILL 2161

 By: Nelson

7 AS INTRODUCED

8 An Act relating to state government; amending 74 O.S.
9 2011, Section 150.5, which relates to confidential
10 records of the Oklahoma State Bureau of
11 Investigation; providing exception to certain
12 confidentiality restriction; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 74 O.S. 2011, Section 150.5, is
16 amended to read as follows:

17 Section 150.5 A. 1. Oklahoma State Bureau of Investigation
18 investigations not covered under Section 150.2 of this title shall
19 be initiated at the request of the following persons:

- 20 a. the Governor,
- 21 b. the Attorney General,
- 22 c. the Council on Judicial Complaints upon a vote by a
23 majority of the Council,

- 1 d. the chair of any Legislative Investigating Committee
2 which has been granted subpoena powers by resolution,
3 upon authorization by a vote of the majority of the
4 Committee,
5 e. the Director of the Department of Human Services, or
6 designee, as authorized by Section 1-2-105 of Title
7 10A of the Oklahoma Statutes, or
8 f. a district court judge as authorized by Section 1-2-
9 103 of Title 10A of the Oklahoma Statutes.

10 2. Requests for investigations shall be submitted in writing
11 and shall contain specific allegations of wrongdoing under the laws
12 of the State of Oklahoma.

13 B. The Governor may initiate special background investigations
14 with the written consent of the person who is the subject of the
15 investigation.

16 C. The chair of any Senate committee which is fulfilling the
17 statutory responsibility for approving nominations made by the
18 Governor may, upon a vote by a majority of the committee and with
19 the written consent of the person who is to be the subject of the
20 investigation, initiate a special background investigation of any
21 nominee for the Oklahoma Horse Racing Commission as established by
22 Section 201 of Title 3A of the Oklahoma Statutes or any nominee for
23 the Board of Trustees of the Oklahoma Lottery Commission as
24 established by Section 704 of Title 3A of the Oklahoma Statutes.

1 The Bureau shall submit a report to the committee within thirty (30)
2 days of the receipt of the request. Any consideration by the
3 committee of a report from the Bureau shall be for the exclusive use
4 of the committee and shall be considered only in executive session.

5 D. 1. All records relating to any investigation being
6 conducted by the Bureau, including any records of laboratory
7 services provided to law enforcement agencies pursuant to paragraph
8 1 of Section 150.2 of this title, shall be confidential and shall
9 not be open to the public or to the Commission except as provided in
10 Section 150.4 of this title; provided, however, officers and agents
11 of the Bureau may disclose, at the discretion of the Director, such
12 investigative information to:

- 13 a. officers and agents of federal, state, county, or
14 municipal law enforcement agencies and to district
15 attorneys, in the furtherance of criminal
16 investigations within their respective jurisdictions,
- 17 b. employees of the Department of Human Services in the
18 furtherance of child abuse investigations, ~~and~~
- 19 c. appropriate accreditation bodies for the purposes of
20 the Bureau's obtaining or maintaining accreditation,
21 and
- 22 d. any member of the Legislature approved in writing by
23 the Speaker of the Oklahoma House of Representatives
24 or President Pro Tempore of the Oklahoma State Senate

1 in furtherance of developing state agency policy
2 reforms.

3 2. Any unauthorized disclosure of any information contained in
4 the confidential files of the Bureau shall be a misdemeanor. The
5 person or entity authorized to initiate investigations in this
6 section, and the Attorney General in the case of investigations
7 initiated by the Insurance Commissioner, shall receive a report of
8 the results of the requested investigation. The person or entity
9 requesting the investigation may give that information only to the
10 appropriate prosecutorial officer or agency having statutory
11 authority in the matter if that action appears proper from the
12 information contained in the report, and shall not reveal or give
13 such information to any other person or agency. Violation hereof
14 shall be deemed willful neglect of duty and shall be grounds for
15 removal from office.

16 E. It shall not be a violation of this section to reveal
17 otherwise confidential information to outside agencies or
18 individuals who are providing interpreter services, questioned
19 document analysis, laboratory services, or other specialized
20 services that are necessary in the assistance of Bureau
21 investigations. Individuals or agencies receiving the confidential
22 and investigative information or records or results of laboratory
23 services provided to the Bureau by those agencies or individuals,
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1 shall be subject to the confidentiality provisions and requirements
2 established in subsection D of this section.

3 F. It shall not be a violation of this section to reveal for
4 training or educational purposes otherwise confidential information
5 from records relating to any investigation previously conducted by
6 the Bureau, including any records of laboratory services provided to
7 law enforcement agencies pursuant to paragraph 1 of Section 150.2 of
8 this title, so long as ten (10) or more years have passed since the
9 production of the information or record.

10 G. It shall not be a violation of this section to reveal
11 otherwise confidential information from records relating to any
12 investigation being conducted by the Bureau, including any records
13 of laboratory services provided to law enforcement agencies pursuant
14 to paragraph 1 of Section 150.2 of this title or to the public,
15 provided, release of the confidential information has been
16 authorized by the Director of the Bureau for the purposes of
17 developing or obtaining further information reasonably necessary to
18 the successful conclusion of a criminal investigation being
19 conducted by the Bureau or authorized by the Director of the Bureau
20 for the purpose of advising crime victims or family representatives
21 of homicide victims regarding the status of a pending investigation.

22 H. The State Treasurer shall initiate a complete background
23 investigation of the positions with the written consent of the
24 persons who are the subject of the investigation pursuant to

1 subsection I of Section 71.1 of Title 62 of the Oklahoma Statutes.
2 The Bureau shall advise the State Treasurer and the Cash Management
3 and Investment Oversight Commission in writing of the results of the
4 investigation.

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

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7 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES, GOVERNMENT
8 OVERSIGHT AND REPEALER, dated 02/21/2013 - DO PASS.

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