

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 2161

By: Nelson

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5  
6 AS INTRODUCED

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

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

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

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

- 19 a. the Governor,  
20 b. the Attorney General,  
21 c. the Council on Judicial Complaints upon a vote by a  
22 majority of the Council,  
23 d. the chair of any Legislative Investigating Committee  
24 which has been granted subpoena powers by resolution,

1           upon authorization by a vote of the majority of the  
2           Committee,

3           e.    the Director of the Department of Human Services, or  
4           designee, as authorized by Section 1-2-105 of Title  
5           10A of the Oklahoma Statutes, or

6           f.    a district court judge as authorized by Section 1-2-  
7           103 of Title 10A of the Oklahoma Statutes.

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

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

14          C.    The chair of any Senate committee which is fulfilling the  
15          statutory responsibility for approving nominations made by the  
16          Governor may, upon a vote by a majority of the committee and with  
17          the written consent of the person who is to be the subject of the  
18          investigation, initiate a special background investigation of any  
19          nominee for the Oklahoma Horse Racing Commission as established by  
20          Section 201 of Title 3A of the Oklahoma Statutes or any nominee for  
21          the Board of Trustees of the Oklahoma Lottery Commission as  
22          established by Section 704 of Title 3A of the Oklahoma Statutes.  
23          The Bureau shall submit a report to the committee within thirty (30)  
24          days of the receipt of the request. Any consideration by the

1 committee of a report from the Bureau shall be for the exclusive use  
2 of the committee and shall be considered only in executive session.

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

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

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

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

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

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

20 H. The State Treasurer shall initiate a complete background  
21 investigation of the positions with the written consent of the  
22 persons who are the subject of the investigation pursuant to  
23 subsection I of Section 71.1 of Title 62 of the Oklahoma Statutes.  
24 The Bureau shall advise the State Treasurer and the Cash Management

1 and Investment Oversight Commission in writing of the results of the  
2 investigation.

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

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5 54-1-6439 GRS 01/07/13

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