

1 STATE OF OKLAHOMA

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

3 SENATE BILL 743

By: Sykes

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Open Records Act;
8 amending 51 O.S. 2011, Section 24A.3, which relates
9 to definitions; modifying definition; and providing
10 an effective date.

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

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

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

16 1. "Record" means all documents, including, but not limited to,
17 any book, paper, photograph, microfilm, data files created by or
18 used with computer software, computer tape, disk, record, sound
19 recording, film recording, video record or other material regardless
20 of physical form or characteristic, created by, received by, under
21 the authority of, or coming into the custody, control or possession
22 of public officials, public bodies, or their representatives in
23 connection with the transaction of public business, the expenditure
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1 of public funds or the administering of public property. "Record"
2 does not mean:

- 3 a. computer software,
- 4 b. nongovernment personal effects,
- 5 c. unless public disclosure is required by other laws or
6 regulations, vehicle movement records of the Oklahoma
7 Transportation Authority obtained in connection with
8 the Authority's electronic toll collection system,
- 9 d. personal financial information, credit reports or
10 other financial data obtained by or submitted to a
11 public body for the purpose of evaluating credit
12 worthiness, obtaining a license, permit, or for the
13 purpose of becoming qualified to contract with a
14 public body,
- 15 e. any digital audio/video recordings of the toll
16 collection and safeguarding activities of the Oklahoma
17 Transportation Authority,
- 18 f. any personal information provided by a guest at any
19 facility owned or operated by the Oklahoma Tourism and
20 Recreation Department or the Board of Trustees of the
21 Quartz Mountain Arts and Conference Center and Nature
22 Park to obtain any service at the facility or by a
23 purchaser of a product sold by or through the Oklahoma
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1 Tourism and Recreation Department or the Quartz
2 Mountain Arts and Conference Center and Nature Park,
3 g. a Department of Defense Form 214 (DD Form 214) filed
4 with a county clerk, including any DD Form 214 filed
5 before ~~the effective date of this act~~ March 19, 2003,
6 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, any
21 office, department, board, bureau, commission, agency, trusteeship,
22 authority, council, committee, trust or any entity created by a
23 trust, county, city, village, town, township, district, school
24 district, fair board, court, executive office, advisory group, task

1 force, study group, or any subdivision thereof, supported in whole
2 or in part by public funds or entrusted with the expenditure of
3 public funds or administering or operating public property, and all
4 committees, or subcommittees thereof. Except for the records
5 required by Section 24A.4 of this title, "public body" does not mean
6 judges, justices, the Council on Judicial Complaints, the
7 Legislature, or legislators. "Public body" shall further include an
8 association of other entities which are public bodies and which
9 receives funding directly from its members, at least eighty percent
10 (80%) of which is derived from taxes or other public funds;

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

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

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

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

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