

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1012

By: Brown

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7 AS INTRODUCED

8 An Act relating to insurance fraud; amending 36 O.S.
9 2011, Section 361, as amended by Section 4, Chapter
10 235, O.S.L. 2012 (36 O.S. Supp. 2015, Section 361),
11 which relates to Anti-Fraud Unit; modifying certain
12 investigative and prosecutorial authority; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 36 O.S. 2011, Section 361, as
16 amended by Section 4, Chapter 235, O.S.L. 2012 (36 O.S. Supp. 2015,
17 Section 361), is amended to read as follows:

18 Section 361. A. There is hereby created within the Insurance
19 Department, under the control and direction of the Insurance
20 Commissioner, an "Anti-Fraud Unit" within the Legal and
21 Investigation Division of the Insurance Department.

22 B. Violations of any statute or administrative rule of this
23 state pertaining to suspected insurance fraud or pertaining to any
24 insurance product ~~or,~~ insurance organization ~~that has been used as~~

1 ~~an instrument of criminal activity~~, or licensee under the regulation
2 or authority of the Commissioner may be investigated by the Anti-
3 Fraud Unit. Whenever the Unit determines that a violation of any
4 criminal law of this state may have occurred, it may refer the
5 matter to the Oklahoma State Bureau of Investigation for further
6 investigation pursuant to Section 150.5 of Title 74 of the Oklahoma
7 Statutes or the Attorney General pursuant to Section 18b of Title 74
8 of the Oklahoma Statutes. The Insurance Department shall retain the
9 authority to initiate and prosecute any administrative or civil
10 action it deems necessary or advisable.

11 C. The Anti-Fraud Unit may employ investigators who may be
12 commissioned by the Insurance Commissioner to serve as peace
13 officers, as defined by and pursuant to the guidelines and
14 requirements of Section 3311 of Title 70 of the Oklahoma Statutes
15 and Sections 99 and 99a of Title 21 of the Oklahoma Statutes.

16 D. Records, documents, reports and evidence obtained or created
17 by the Anti-Fraud Unit as a result of an inquiry or investigation of
18 any suspected insurance related crime shall be confidential and
19 shall not be subject to the Oklahoma Open Records Act or to outside
20 review or release by any individual. Information and records shall
21 be disclosed upon request to officers and agents of federal, state,
22 county, or municipal law enforcement agencies, to the Oklahoma State
23 Bureau of Investigation, to the Attorney General's office and to
24 district attorneys, in the furtherance of criminal investigations.

1 SECTION 2. This act shall become effective November 1, 2016.

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