

AMENDMENT TO SUBCOMMITTEE RECOMMENDATION

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB387

			Of the printed Bill
Page	<u>24</u>	Section	<u>3</u>
		Lines	<u>12 1/2</u>
			Of the Engrossed Bill

By inserting a new SECTION 3 to read as follows:

SEE ATTACHED

and renumbering subsequent section.

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Earl Sears

Adopted: _____

Reading Clerk

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

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

- 6 a. the Governor,
- 7 b. the Attorney General,
- 8 c. the Council on Judicial Complaints upon a vote by a
9 majority of the Council,
- 10 d. the chair of any Legislative Investigating Committee
11 which has been granted subpoena powers by resolution,
12 upon authorization by a vote of the majority of the
13 Committee,
- 14 e. the Director of the Department of Human Services, or
15 designee, as authorized by Section 1-2-105 of Title
16 10A of the Oklahoma Statutes, or
- 17 f. a district court judge as authorized by Section 1-2-
18 103 of Title 10A of the Oklahoma Statutes.

19 2. Requests for investigations shall be submitted in writing
20 and shall contain specific allegations of wrongdoing under the laws
21 of the State of Oklahoma.

22 B. The Governor may initiate special background investigations
23 with the written consent of the person who is the subject of the
24 investigation.

1 C. The Speaker of the House of Representatives may initiate
2 special background investigations, with the written consent of the
3 person who is the subject of the investigation, for any person whom
4 the Speaker is considering for appointment pursuant to the Speaker's
5 appointment authority.

6 D. The President Pro Tempore of the Senate may initiate special
7 background investigations, with the written consent of the person
8 who is the subject of the investigation, for any person whom the
9 President Pro Tempore is considering for appointment pursuant to the
10 President Pro Tempore's appointment authority.

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

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

- 9 a. officers and agents of federal, state, county, or
10 municipal law enforcement agencies and to district
11 attorneys, in the furtherance of criminal
12 investigations within their respective jurisdictions,
- 13 b. employees of the Department of Human Services in the
14 furtherance of child abuse investigations, and
- 15 c. appropriate accreditation bodies for the purposes of
16 the Bureau's obtaining or maintaining accreditation.

17 2. Any unauthorized disclosure of any information contained in
18 the confidential files of the Bureau shall be a misdemeanor. The
19 person or entity authorized to initiate investigations in this
20 section, and the Attorney General in the case of investigations
21 initiated by the Insurance Commissioner, shall receive a report of
22 the results of the requested investigation. The person or entity
23 requesting the investigation may give that information only to the
24 appropriate prosecutorial officer or agency having statutory

1 authority in the matter if that action appears proper from the
2 information contained in the report, and shall not reveal or give
3 such information to any other person or agency. Violation hereof
4 shall be deemed willful neglect of duty and shall be grounds for
5 removal from office.

6 ~~E.~~ G. It shall not be a violation of this section to reveal
7 otherwise confidential information to outside agencies or
8 individuals who are providing interpreter services, questioned
9 document analysis, laboratory services, or other specialized
10 services that are necessary in the assistance of Bureau
11 investigations. Individuals or agencies receiving the confidential
12 and investigative information or records or results of laboratory
13 services provided to the Bureau by those agencies or individuals,
14 shall be subject to the confidentiality provisions and requirements
15 established in subsection ~~D~~ F of this section.

16 ~~F.~~ H. It shall not be a violation of this section to reveal for
17 training or educational purposes otherwise confidential information
18 from records relating to any investigation previously conducted by
19 the Bureau, including any records of laboratory services provided to
20 law enforcement agencies pursuant to paragraph 1 of Section 150.2 of
21 this title, so long as ten (10) or more years have passed since the
22 production of the information or record.

23 ~~G.~~ I. It shall not be a violation of this section to reveal
24 otherwise confidential information from records relating to any

1 investigation being conducted by the Bureau, including any records
2 of laboratory services provided to law enforcement agencies pursuant
3 to paragraph 1 of Section 150.2 of this title or to the public,
4 provided, release of the confidential information has been
5 authorized by the Director of the Bureau for the purposes of
6 developing or obtaining further information reasonably necessary to
7 the successful conclusion of a criminal investigation being
8 conducted by the Bureau or authorized by the Director of the Bureau
9 for the purpose of advising crime victims or family representatives
10 of homicide victims regarding the status of a pending investigation.

11 ~~H.~~ J. The State Treasurer shall initiate a complete background
12 investigation of the positions with the written consent of the
13 persons who are the subject of the investigation pursuant to
14 subsection I of Section 71.1 of Title 62 of the Oklahoma Statutes.
15 The Bureau shall advise the State Treasurer and the Cash Management
16 and Investment Oversight Commission in writing of the results of the
17 investigation."

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19 54-1-7742 SD 04/02/13
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