

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL 387

By: Mazzei of the Senate

and

Sears of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to Oklahoma State Bureau of Investigation; amending 74 O.S. 2011, Section 150.5, which relates to investigations; authorizing the Speaker of the House of Representatives and the President Pro Tempore of the Senate to initiate special background investigations under specified circumstances; and providing an effective date.

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

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

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

a. the Governor,

b. the Attorney General,

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

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

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

18 C. The Speaker of the House of Representatives may initiate
19 special background investigations, with the written consent of the
20 person who is the subject of the investigation, for any person whom
21 the Speaker is considering for appointment pursuant to the Speaker's
22 appointment authority.

23 D. The President Pro Tempore of the Senate may initiate special
24 background investigations, with the written consent of the person

1 who is the subject of the investigation, for any person whom the
2 President Pro Tempore is considering for appointment pursuant to the
3 President Pro Tempore's appointment authority.

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

17 ~~D.~~ F. 1. All records relating to any investigation being
18 conducted by the Bureau, including any records of laboratory
19 services provided to law enforcement agencies pursuant to paragraph
20 1 of Section 150.2 of this title, shall be confidential and shall
21 not be open to the public or to the Commission except as provided in
22 Section 150.4 of this title; provided, however, officers and agents
23 of the Bureau may disclose, at the discretion of the Director, such
24 investigative information to:

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

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

~~E.~~ G. It shall not be a violation of this section to reveal otherwise confidential information to outside agencies or individuals who are providing interpreter services, questioned

1 document analysis, laboratory services, or other specialized
2 services that are necessary in the assistance of Bureau
3 investigations. Individuals or agencies receiving the confidential
4 and investigative information or records or results of laboratory
5 services provided to the Bureau by those agencies or individuals,
6 shall be subject to the confidentiality provisions and requirements
7 established in subsection ~~D~~ F of this section.

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

15 ~~G.~~ I. It shall not be a violation of this section to reveal
16 otherwise confidential information from records relating to any
17 investigation being conducted by the Bureau, including any records
18 of laboratory services provided to law enforcement agencies pursuant
19 to paragraph 1 of Section 150.2 of this title or to the public,
20 provided, release of the confidential information has been
21 authorized by the Director of the Bureau for the purposes of
22 developing or obtaining further information reasonably necessary to
23 the successful conclusion of a criminal investigation being
24 conducted by the Bureau or authorized by the Director of the Bureau

1 for the purpose of advising crime victims or family representatives
2 of homicide victims regarding the status of a pending investigation.

3 ~~H.~~ J. The State Treasurer shall initiate a complete background
4 investigation of the positions with the written consent of the
5 persons who are the subject of the investigation pursuant to
6 subsection I of Section 71.1 of Title 62 of the Oklahoma Statutes.
7 The Bureau shall advise the State Treasurer and the Cash Management
8 and Investment Oversight Commission in writing of the results of the
9 investigation.

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

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