

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

SENATE BILL 2070

By: Dahm

AS INTRODUCED

An Act relating to retrieval and deletion of biometric data; amending 47 O.S. 2011, Section 6-110.3, which relates to prohibition of implementation of federal REAL ID Act; prohibiting biometric data from being collected, obtained or retained under certain circumstances; deleting certain exception; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-110.3, is amended to read as follows:

Section 6-110.3. A. 1. The Legislature finds that the enactment into law by the United States Congress of the federal REAL ID Act of 2005, Public Law Number 109-13, is inimical to the security and well-being of the people of Oklahoma, will cause approximately Eight Million Dollars (\$8,000,000.00) in added expense and inconvenience to our state, and was adopted by the United States Congress in violation of the principles of federalism contained in the Tenth Amendment to the United States Constitution.

1        2. The State of Oklahoma shall not participate in the  
2 implementation of the REAL ID Act of 2005. The Department of Public  
3 Safety is hereby directed not to implement the provisions of the  
4 REAL ID Act of 2005 and to report to the Governor and the  
5 Legislature any attempt by agencies or agents of the United States  
6 Department of Homeland Security to secure the implementation of the  
7 REAL ID Act of 2005 through the operations of that or any other  
8 state department.

9        B. No department or agency of the state charged with motor  
10 vehicle registration or operation, the issuance or renewal of driver  
11 licenses, or the issuance or renewal of any identification cards  
12 shall collect, obtain, or retain any data in connection with  
13 activities related to complying with the REAL ID Act of 2005.

14        C. Biometric data shall not be collected, obtained or retained  
15 in connection with motor vehicle registration or operation, the  
16 issuance or renewal of driver licenses or the issuance or renewal of  
17 any identification cards by any department or agency of this state  
18 charged with those activities. Any biometric data previously  
19 collected, obtained, or retained in connection with motor vehicle  
20 registration or operation, the issuance or renewal of driver  
21 licenses, or the issuance or renewal of any identification cards by  
22 any department or agency of this state charged with those activities  
23 shall be retrieved and deleted from any and all databases. ~~The~~  
24 ~~provisions of this subsection shall not apply to any data collected,~~

~~obtained or retained for a purpose other than complying with the  
REAL ID Act of 2005.~~

D. For purposes of this section, "biometric data" includes, but  
is not limited to:

1. Facial feature pattern characteristics;
2. Voice data used for comparing live speech with a previously  
created speech model of a person's voice;
3. Iris recognition data containing color or texture patterns  
or codes;
4. Retinal scans, reading through the pupil to measure blood  
vessels lining the retina;
5. Behavior characteristics of a handwritten signature, such as  
shape, speed, pressure, pen angle, or sequence;
6. Fingerprints, palm prints, and other methods for measuring  
or recording ridge pattern or fingertip characteristics;
7. Keystroke dynamics, measuring pressure applied to key pads;
8. Hand geometry, measuring hand characteristics, including the  
shape and length of fingers, in three (3) dimensions; and
9. Deoxyribonucleic acid (DNA) and/or ribonucleic acid (RNA).

SECTION 2. This act shall become effective November 1, 2014.

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