

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madam President:

I move to amend Senate Bill No. 1113:

1. On Page 11, Line 2 ½, by inserting a new subsection to read as follows:

“T. Any law enforcement agency seizing property pursuant to this section shall submit an annual report to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the Office of the State Auditor and Inspector that shall include:

1. A detailed description of all property seized;
2. The name of all individuals from whom property was seized;
3. The reason for each seizure, including any alleged violation of statute;
4. The disposition of proceeds from any forfeiture of seized property; and
5. A transaction history of any account containing proceeds from forfeited property.

The Office of the State Auditor and Inspector shall make reports submitted pursuant to this subsection available on the Auditor’s website.”; and

2. On Page 1, Line 9 1/2, by inserting the attached new SECTION 1; and renumbering subsequent sections.

Submitted by:

Senator Loveless

Loveless-TEK-FA2-SB1113
3/1/2016 4:14 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

1 SECTION 1. AMENDATORY 51 O.S. 2011, Section 24A.8, as
2 last amended by Section 2, Chapter 370, O.S.L. 2015 (51 O.S. Supp.
3 2015, Section 24A.8), is amended to read as follows:

4 Section 24A.8. A. Law enforcement agencies shall make
5 available for public inspection and copying, if kept, the following
6 records:

7 1. An arrestee description, including the name, date of birth,
8 address, race, sex, physical description, and occupation of the
9 arrestee;

10 2. Facts concerning the arrest, including the cause of arrest
11 and the name of the arresting officer;

12 3. A chronological list of all incidents, including initial
13 offense report information showing the offense, date, time, general
14 location, officer, and a brief summary of what occurred;

15 4. Radio logs, including a chronological listing of the calls
16 dispatched;

17 5. Conviction information, including the name of any person
18 convicted of a criminal offense;

19 6. Disposition of all warrants, including orders signed by a
20 judge of any court commanding a law enforcement officer to arrest a
21 particular person;

22 7. A crime summary, including an agency summary of crimes
23 reported and public calls for service by classification or nature
24 and number;

(Floor Amendments Only) Date and Time Filed: _____

☐

Untimely

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Amendment Cycle Extended

☐

Secondary Amendment

1 8. Jail registers, including jail blotter data or jail booking
2 information recorded on persons at the time of incarceration
3 showing the name of each prisoner with the date and cause of
4 commitment, the authority committing the prisoner, whether
5 committed for a criminal offense, a description of the prisoner,
6 and the date or manner of discharge or escape of the prisoner;

7 9. Annual reports submitted pursuant to subsection T of
8 Section 2-506 of Title 63 of the Oklahoma Statutes;

9 10. Audio and video recordings from recording equipment
10 attached to law enforcement vehicles or associated audio recordings
11 from recording equipment on the person of a law enforcement
12 officer; provided, the law enforcement agency may, before releasing
13 any audio or video recording provided for in this paragraph, redact
14 or obscure specific portions of the recording which:

- 15 a. depict the death of a person or a dead body, unless
- 16 the death was effected by a law enforcement officer,
- 17 b. depict nudity,
- 18 c. would identify minors under the age of sixteen (16)
- 19 years or would undermine any requirement to keep
- 20 certain juvenile records confidential as provided for
- 21 in Title 10A of the Oklahoma Statutes,
- 22 d. depict acts of severe violence resulting in great
- 23 bodily injury, as defined in Section 11-904 of Title
- 24 47 of the Oklahoma Statutes, against persons that are
- 25 clearly visible, unless the act of severe violence
- 26 was effected by a law enforcement officer,

- e. depict great bodily injury, as defined in Section 11-904 of Title 47 of the Oklahoma Statutes, unless the great bodily injury was effected by a law enforcement officer,
- f. include personal medical information that is not already public,
- g. would undermine the assertion of a privilege provided in Section 1-109 or Section 3-428 of Title 43A of the Oklahoma Statutes for detention or transportation for mental health evaluation or treatment or drug or alcohol detoxification purposes,
- h. include personal information other than the name or license plate number of a person not arrested, cited, charged or issued a written warning. Such personal information shall include any government-issued identification number, date of birth, address or financial information, or
- i. reveal the identity of law enforcement officers who have become subject to internal investigation by the law enforcement agency as a result of an event depicted in the recording. The option to protect the identity of a law enforcement officer shall not be available to the law enforcement agency after the law enforcement agency has concluded the investigation and rendered a decision as to final disciplinary action. At such time when an investigation has

1 concluded and the law enforcement agency has rendered
2 its decision as to final disciplinary action, the
3 portions of the recordings previously withheld as
4 provided for in this subparagraph shall be available
5 for public inspection and copying. The audio and
6 video recordings withheld as provided for in this
7 subparagraph shall be available for public inspection
8 and copying before the conclusion of the
9 investigation if the investigation lasts for an
10 unreasonable amount of time; and

11 ~~10.~~11. a. Audio and video recordings from recording equipment
12 attached to the person of a law enforcement officer
13 that depict:

- 14 (1) the use of any physical force or violence by a
15 law enforcement officer,
16 (2) pursuits of any kind,
17 (3) traffic stops,
18 (4) any person being arrested, cited, charged or
19 issued a written warning,
20 (5) events that directly led to any person being
21 arrested, cited, charged or receiving a written
22 warning,
23 (6) detentions of any length for the purpose of
24 investigation,

- (7) any exercise of authority by a law enforcement officer that deprives a citizen of his or her liberty,
- (8) actions by a law enforcement officer that have become the cause of an investigation or charges being filed,
- (9) recordings in the public interest that may materially aid a determination of whether law enforcement officers are appropriately performing their duties as public servants, or
- (10) any contextual events occurring before or after the events depicted in divisions (1) through (9) of this subparagraph.

b. Notwithstanding the provisions of subparagraph a of this paragraph, the law enforcement agency may, before releasing any audio or video recording provided for in this paragraph, redact or obscure specific portions of the recording that:

- (1) depict the death of a person or a dead body, unless the death was effected by a law enforcement officer,
- (2) depict nudity,
- (3) would identify minors under the age of sixteen (16) years or would undermine any requirement to keep certain juvenile records confidential as

provided for in Title 10A of the Oklahoma
Statutes,

(4) depict acts of severe violence resulting in
great bodily injury, as defined in Section 11-
904 of Title 47 of the Oklahoma Statutes,
against persons that are clearly visible, unless
the act of severe violence was effected by a law
enforcement officer,

(5) depict great bodily injury, as defined in
Section 11-904 of Title 47 of the Oklahoma
Statutes, unless the great bodily injury was
effected by a law enforcement officer,

(6) include personal medical information that is not
already public,

(7) undermine the assertion of a privilege as
provided in Section 1-109 or Section 3-428 of
Title 43A of the Oklahoma Statutes for detention
or transportation for mental health evaluation
or treatment or drug or alcohol detoxification
purposes,

(8) identify alleged victims of sex crimes or
domestic violence,

(9) identify any person who provides information to
law enforcement or the information provided by
that person when that person requests anonymity
or where disclosure of the identity of the

1 person or the information provided could
2 reasonably be expected to threaten or endanger
3 the physical safety or property of the person or
4 the physical safety or property of others,

5 (10) undermine the assertion of a privilege to keep
6 the identity of an informer confidential as
7 provided for in Section 2510 of Title 12 of the
8 Oklahoma Statutes,

9 (11) include personal information other than the name
10 or license plate number of a person not
11 officially arrested, cited, charged or issued a
12 written warning. Such personal information
13 shall include any government-issued
14 identification number, date of birth, address or
15 financial information,

16 (12) include information that would materially
17 compromise an ongoing criminal investigation or
18 ongoing criminal prosecution, provided that:

19 (a) ten (10) days following the formal
20 arraignment or initial appearance,
21 whichever occurs first, of a person charged
22 in the case in question, the recording
23 shall be made available for public
24 inspection and copying with no redaction of
25 the portions that were temporarily withheld
26 by reliance on this division. Provided,

1 before potential release of a recording as
2 provided for in this subdivision, the
3 prosecutor or legal representative of the
4 person charged may request from the
5 appropriate district court an extension of
6 time during which the recording may be
7 withheld under the provisions of this
8 division. When a request for an extension
9 of time has been filed with the court, the
10 recording in question may be withheld until
11 the court has issued a ruling. Such
12 requests for an extension of the time
13 during which the recording may be withheld
14 may be made on the grounds that release of
15 the recording will materially compromise an
16 ongoing criminal investigation or criminal
17 prosecution or on the grounds that release
18 of the recording will materially compromise
19 the right of an accused to a fair trial
20 that has yet to begin. Courts considering
21 such requests shall conduct a hearing and
22 consider whether the interests of the
23 public outweigh the interests asserted by
24 the parties. In response to such requests,
25 the court shall order that the recording be
26 made available for public inspection and

1 copying with no redaction of the portions
2 that were temporarily withheld by reliance
3 on this division or order an extension of
4 time during which the recording may be
5 withheld under the provisions of this
6 division. Provided further, each such time
7 extension shall only be ordered by the
8 court for an additional six-month period of
9 time or less and cumulative time extensions
10 shall not add up to more than eighteen (18)
11 months, or

12 (b) in the event that one hundred twenty (120)
13 days expire from the date of the events
14 depicted in the recording without any
15 person being criminally charged in the case
16 in question and release of a recording or
17 portions of a recording have been denied on
18 the grounds provided for in this division,
19 an appeal of such denial may be made to the
20 appropriate district court. In situations
21 where one hundred twenty (120) days have
22 expired since the creation of the
23 recording, criminal charges have not been
24 filed against a person and the recording is
25 being withheld on the grounds provided for
26 in this division, courts considering

1 appeals to the use of the provisions of
2 this division for temporarily withholding a
3 recording shall conduct a hearing and
4 consider whether the interests of the
5 public outweigh the interests of the
6 parties protected by this division. In
7 response to such appeals, the district
8 court shall order that the recording be
9 made available for public inspection and
10 copying with no redaction of the portions
11 that were temporarily withheld by reliance
12 on this division or order an extension of
13 time during which the recording may be
14 withheld under the provisions of this
15 division. An order granting an extension
16 of time shall be applicable to the
17 recording against all appellants for the
18 duration of the extension. Provided, each
19 such time extension shall only be ordered
20 by the district court for an additional
21 twelve-month period of time or less and
22 cumulative time extensions shall not add up
23 to more than three (3) years. Provided,
24 charges being filed against a person in the
25 case in question automatically cancels any
26 extension of time. A new request for an

1 extension of time following an arraignment
2 or initial appearance may be requested by
3 the parties on the grounds and under the
4 terms provided for in subdivision (a) of
5 this division.

6 The options presented in this division to
7 potentially withhold a recording or portions of
8 a recording on the grounds provided for in this
9 division shall expire in totality four (4) years
10 after the recording was made at which time all
11 recordings previously withheld on the grounds
12 provided for in this division shall be made
13 available for public inspection and copying, or
14 (13) reveal the identity of law enforcement officers
15 who have become subject to internal
16 investigation by the law enforcement agency as a
17 result of an event depicted in the recording.

18 The option to protect the identity of a law
19 enforcement officer shall not be available to
20 the law enforcement agency after the law
21 enforcement agency has concluded the
22 investigation and rendered a decision as to
23 final disciplinary action. At such time when an
24 investigation has concluded and the law
25 enforcement agency has rendered its decision as
26 to final disciplinary action, the portions of

1 the recordings previously withheld as provided
2 for in this division shall be available for
3 public inspection and copying. The audio and
4 video recordings withheld on the grounds
5 provided for in this division shall be available
6 for public inspection and copying before the
7 conclusion of the investigation if the
8 investigation lasts for an unreasonable amount
9 of time.

10 B. Except for the records listed in subsection A of this
11 section and those made open by other state or local laws, law
12 enforcement agencies may deny access to law enforcement records
13 except where a court finds that the public interest or the interest
14 of an individual outweighs the reason for denial. The provisions
15 of this section shall not operate to deny access to law enforcement
16 records if such records have been previously made available to the
17 public as provided in the Oklahoma Open Records Act or as otherwise
18 provided by law.

19 C. Nothing contained in this section imposes any new
20 recordkeeping requirements. Law enforcement records shall be kept
21 for as long as is now or may hereafter be specified by law. Absent
22 a legal requirement for the keeping of a law enforcement record for
23 a specific time period, law enforcement agencies shall maintain
24 their records for so long as needed for administrative purposes.

25 D. Registration files maintained by the Department of
26 Corrections pursuant to the provisions of the Sex Offenders

1 Registration Act shall be made available for public inspection in a
2 manner to be determined by the Department.

3 E. The Council on Law Enforcement Education and Training
4 (C.L.E.E.T.) shall keep confidential all records it maintains
5 pursuant to Section 3311 of Title 70 of the Oklahoma Statutes and
6 deny release of records relating to any employed or certified full-
7 time officer, reserve officer, retired officer or other person;
8 teacher lesson plans, tests and other teaching materials; and
9 personal communications concerning individual students except under
10 the following circumstances:

11 1. To verify the current certification status of any peace
12 officer;

13 2. As may be required to perform the duties imposed by Section
14 3311 of Title 70 of the Oklahoma Statutes;

15 3. To provide to any peace officer copies of the records of
16 that peace officer upon submitting a written request;

17 4. To provide, upon written request, to any law enforcement
18 agency conducting an official investigation, copies of the records
19 of any peace officer who is the subject of such investigation;

20 5. To provide final orders of administrative proceedings where
21 an adverse action was taken against a peace officer; and

22 6. Pursuant to an order of the district court of the State of
23 Oklahoma.

24 F. The Department of Public Safety shall keep confidential:

25 1. All records it maintains pursuant to its authority under
26 Title 47 of the Oklahoma Statutes relating to the Oklahoma Highway

1 Patrol Division, the Communications Division, and other divisions
2 of the Department relating to:

- 3 a. training, lesson plans, teaching materials, tests,
4 and test results,
- 5 b. policies, procedures, and operations, any of which
6 are of a tactical nature, and
- 7 c. the following information from radio logs:
 - 8 (1) telephone numbers,
 - 9 (2) addresses other than the location of incidents
10 to which officers are dispatched, and
 - 11 (3) personal information which is contrary to the
12 provisions of the Driver's Privacy Protection
13 Act, 18 United States Code, Sections 2721
14 through 2725; and

15 2. For the purpose of preventing identity theft and invasion
16 of law enforcement computer systems, except as provided in Title 47
17 of the Oklahoma Statutes, all driving records.