

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 ENGROSSED SENATE
5 BILL NO. 303

 By: Smalley and Pittman of the
 Senate

6 and

7 Biggs of the House

8
9 An Act relating to criminal history records; amending
10 74 O.S. 2011, Section 150.9, as amended by Section 1,
11 Chapter 80, O.S.L. 2015 (74 O.S. Supp. 2016, Section
12 150.9), which relates to criminal history records;
13 modifying requirements; and providing an effective
14 date.

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

16 SECTION 1. AMENDATORY 74 O.S. 2011, Section 150.9, as
17 amended by Section 1, Chapter 80, O.S.L. 2015 (74 O.S. Supp. 2016,
18 Section 150.9), is amended to read as follows:

19 Section 150.9. A. The Oklahoma State Bureau of Investigation
20 shall procure, file and maintain criminal history records for each
21 person subject to mandatory reporting as provided by law, including
22 photographs, descriptions, fingerprints, measurements and other
23 pertinent information relating to such persons. It shall be the
24 duty of law enforcement officers and agencies, sheriffs, police,

1 courts, judicial officials, district attorneys, and the persons in
2 charge of any state correctional facility or institution to furnish
3 criminal history records to the Bureau as required by Section 150.1
4 et seq. of this title. The Oklahoma State Bureau of Investigation
5 shall cooperate with and assist the sheriffs, chiefs of police and
6 other law enforcement officers of the state by maintaining a
7 complete criminal history record on each person subject to mandatory
8 reporting as provided by law, and shall have on file the fingerprint
9 impressions of all such persons together with other pertinent
10 information as may from time to time be received from the law
11 enforcement officers of this and other states or as may be required
12 by law.

13 B. 1. The Oklahoma Department of Consumer Credit, the
14 Insurance Department, the Oklahoma Horse Racing Commission, or any
15 other state agency, board, department or commission or any other
16 person or entity authorized to request a criminal history record or
17 an analysis of fingerprints for commercial, licensing or other
18 purposes, except law enforcement purposes, shall conduct a national
19 criminal history records check on all persons of the entity
20 authorized to access or review national criminal history records
21 checks information by July 1, 2009, and within sixty (60) days
22 thereafter.

23 2. Each agency, person or entity authorized to request a
24 criminal history record or an analysis of fingerprints shall pay a

1 fee to the Bureau for each criminal history record or fingerprint
2 analysis as follows:

3 Oklahoma criminal history record only \$15.00 each

4 Oklahoma criminal history record with
5 fingerprint analysis \$19.00 each

6 National criminal history record with
7 fingerprint analysis \$41.00 each

8 3. For purposes of this section, "a national criminal history
9 record check" means a check of criminal history records entailing
10 the fingerprinting of the individual and submission of the
11 fingerprints to the United States Federal Bureau of Investigation
12 (FBI) for the purpose of obtaining the national criminal history
13 record of the person from the FBI. A national criminal history
14 record check may be obtained only when a check is authorized or
15 required by state or federal law.

16 Agencies authorized by statute to conduct national criminal
17 history background checks for individuals are eligible to
18 participate in the Federal Rap Back Program administered by the
19 Oklahoma State Bureau of Investigation. The Oklahoma State Bureau
20 of Investigation is authorized to submit fingerprints to the FBI Rap
21 Back System to be retained in the FBI Rap Back System for the
22 purpose of being searched by future submissions to the FBI Rap Back
23 System, including latent fingerprint searches and to collect all
24 Federal Rap Back Program fees from eligible agencies wishing to

1 participate and remit such fees to the Federal Bureau of
2 Investigation.

3 4. Unless a national criminal history record is specifically
4 requested, a fingerprint analysis shall be limited to only those
5 records available at the Oklahoma State Bureau of Investigation.
6 Following receipt of the appropriate fee, the Bureau shall provide,
7 as soon as possible, the criminal history record requested;
8 provided, however, it shall be the duty and responsibility of the
9 requesting authority to evaluate the criminal history record as such
10 record may apply to a specific purpose or intent. An individual may
11 submit a certified court record showing that a charge was dismissed
12 or a certified copy of a gubernatorial pardon to the Oklahoma State
13 Bureau of Investigation, and upon verification of that record the
14 Bureau records shall reflect the dismissal of that charge.

15 C. The Oklahoma State Bureau of Investigation may maintain an
16 identification file, including fingerprint impressions, on any
17 person under eighteen (18) years of age who is arrested or subject
18 to criminal or juvenile delinquency proceedings, provided all such
19 information shall be confidential and shall only be made available
20 to the Bureau and other law enforcement agencies. Whenever a
21 fingerprint impression or other identification information is
22 submitted to the Bureau on a person under eighteen (18) years of
23 age, the Bureau may retain and file such fingerprint and
24 identification information for identification purposes only. The

1 Bureau shall ensure that the information received and maintained for
2 identification purposes on persons under eighteen (18) years of age
3 shall be handled and processed with great care to keep such
4 information confidential from the general public. The Bureau may
5 receive and maintain the fingerprints and other identification
6 information on any person under eighteen (18) years of age believed
7 to be the subject of a runaway, missing, or abduction investigation,
8 for identification purposes at the request of a parent, guardian or
9 legal custodian of the person.

10 D. Any person who knowingly procures, utters, or offers any
11 false, forged or materially altered criminal history record shall be
12 guilty of a felony and upon conviction shall be punished by
13 imprisonment in the custody of the Department of Corrections for a
14 period not to exceed five (5) years or by a fine not to exceed Five
15 Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

16 SECTION 2. This act shall become effective November 1, 2017.
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18 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL JUSTICE AND
19 CORRECTIONS, dated 04/05/2017 - DO PASS, As Coauthored.
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