

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1396

By: Brooks

6 AS INTRODUCED

7 An Act relating to the Oklahoma State Bureau of
8 Investigations; amending 74 O.S. 2011, Section 150.5,
9 which relates to investigations; authorizing certain
disclosure by the Director; and providing an
effective date.

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

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

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

- 18 a. the Governor,
19 b. the Attorney General,
20 c. the Council on Judicial Complaints upon a vote by a
21 majority of the Council,
22 d. the chair of any Legislative Investigating Committee
23 which has been granted subpoena powers by resolution,
24

1 upon authorization by a vote of the majority of the
2 Committee,

3 e. the Director of the Department of Human Services, or
4 designee, as authorized by Section 1-2-105 of Title
5 10A of the Oklahoma Statutes, or

6 f. a district court judge as authorized by Section 1-2-
7 103 of Title 10A of the Oklahoma Statutes.

8 2. Requests for investigations shall be submitted in writing
9 and shall contain specific allegations of wrongdoing under the laws
10 of the State of Oklahoma.

11 B. The Governor may initiate special background investigations
12 with the written consent of the person who is the subject of the
13 investigation.

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

1 committee of a report from the Bureau shall be for the exclusive use
2 of the committee and shall be considered only in executive session.

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

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

19 2. Any unauthorized disclosure of any information contained in
20 the confidential files of the Bureau shall be a misdemeanor. The
21 person or entity authorized to initiate investigations in this
22 section, and the Attorney General in the case of investigations
23 initiated by the Insurance Commissioner, shall receive a report of
24 the results of the requested investigation. The person or entity

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

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

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

1 G. It shall not be a violation of this section to reveal
2 written reports of the results of laboratory services provided to
3 law enforcement agencies pursuant to paragraph 1 of Section 150.2 of
4 this title and chain of custody records for evidence submitted to
5 the Bureau for laboratory analysis to a criminal defendant's
6 attorney of record upon written request of the defendant or
7 defendant's attorney of record provided such disclosure has been
8 authorized by the Director of the Bureau or the Director's designee.

9 H. It shall not be a violation of this section to reveal
10 otherwise confidential information from records relating to any
11 investigation being conducted by the Bureau, including any records
12 of laboratory services provided to law enforcement agencies pursuant
13 to paragraph 1 of Section 150.2 of this title or to the public,
14 provided, release of the confidential information has been
15 authorized by the Director of the Bureau for the purposes of
16 developing or obtaining further information reasonably necessary to
17 the successful conclusion of a criminal investigation being
18 conducted by the Bureau or authorized by the Director of the Bureau
19 for the purpose of advising crime victims or family representatives
20 of homicide victims regarding the status of a pending investigation.

21 ~~H.~~ I. The State Treasurer shall initiate a complete background
22 investigation of the positions with the written consent of the
23 persons who are the subject of the investigation pursuant to
24 subsection I of Section 71.1 of Title 62 of the Oklahoma Statutes.

1 The Bureau shall advise the State Treasurer and the Cash Management
2 and Investment Oversight Commission in writing of the results of the
3 investigation.

4 SECTION 2. This act shall become effective November 1, 2018.

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