

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1341

By: Biggs

AS INTRODUCED

An Act relating to the Oklahoma Open Records Act; amending Section 1, Chapter 87, O.S.L. 2014 (51 O.S. Supp. 2016, Section 24A.30), which relates to court records; prohibiting access to certain records on the Internet or World Wide Web; and providing an effective date.

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

SECTION 1. AMENDATORY Section 1, Chapter 87, O.S.L. 2014 (51 O.S. Supp. 2016, Section 24A.30), is amended to read as follows:

Section 24A.30 ~~All~~ A. Subject to the restrictions provided in subsection B of this section all court records, as defined by Section 32.1 of Title 12 of the Oklahoma Statutes, shall be considered public records and shall be subject to the provisions of the Oklahoma Open Records Act, unless otherwise identified by statute to be confidential. If confidentiality is not required by statute, the court may seal a record or portion of a record only if a compelling privacy interest exists which outweighs the public's interest in the record. In all cases where the court is sealing a

1 record or portion of a record, the court shall enter an order which
2 shall be public and shall:

3 1. Make findings of fact which identify the facts which the
4 court relied upon in entering its order;

5 2. Make conclusions of law specific enough so that the public
6 is aware of the legal basis for the sealing of the record;

7 3. Utilize the least restrictive means for achieving
8 confidentiality; and

9 4. Be narrowly tailored so that only the portions of the record
10 subject to confidentiality are sealed and the remainder of the
11 record is kept open.

12 B. The following documents, if they contain complete personal
13 identifier numbers in the case file, shall be viewable internally
14 and available at the office of the court clerk and shall not be
15 viewable on the Internet or the World Wide Web:

16 1. Arrest warrants;

17 2. Bench warrants;

18 3. Costs warrants;

19 4. Criminal informations;

20 5. Wildlife tickets;

21 7. Traffic tickets;

22 8. Transcripts of any criminal proceeding, including any
23 exhibits attached thereto; and

24 9. Victim protective orders.

The Oklahoma Court Information System, the National Crime
Information Center, the Law Enforcement Enterprise Portal, the
National Data Exchange, the National Instant Criminal Background
Check System or any other similar shared-data management concept
between the federal, state, local and tribal criminal justice
agencies shall not be considered part of the Internet or World Wide
Web for purposes of this subsection.

SECTION 2. This act shall become effective November 1, 2017.

56-1-6356 SD 01/08/17