

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2867

By: Lowe

6 AS INTRODUCED

7 An Act relating to open records; amending 51 O.S.
8 2011, Section 24A.3, as amended by Section 2, Chapter
9 266, O.S.L. 2014 (51 O.S. Supp. 2017, Section 24A.3),
relating to definitions; making district court judges
subject to open record requests; and providing an
effective date.

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

13 SECTION 1. AMENDATORY 51 O.S. 2011, Section 24A.3, as
14 amended by Section 2, Chapter 266, O.S.L. 2014 (51 O.S. Supp. 2017,
15 Section 24A.3), is amended to read as follows:

16 As used in the Oklahoma Open Records Act:

17 1. "Record" means all documents, including, but not limited to,
18 any book, paper, photograph, microfilm, data files created by or
19 used with computer software, computer tape, disk, record, sound
20 recording, film recording, video record or other material regardless
21 of physical form or characteristic, created by, received by, under
22 the authority of, or coming into the custody, control or possession
23 of public officials, public bodies, or their representatives in
24 connection with the transaction of public business, the expenditure

1 of public funds or the administering of public property. "Record"
2 does not mean:

- 3 a. computer software,
- 4 b. nongovernment personal effects,
- 5 c. unless public disclosure is required by other laws or
6 regulations, vehicle movement records of the Oklahoma
7 Transportation Authority obtained in connection with
8 the Authority's electronic toll collection system,
- 9 d. personal financial information, credit reports or
10 other financial data obtained by or submitted to a
11 public body for the purpose of evaluating credit
12 worthiness, obtaining a license, permit, or for the
13 purpose of becoming qualified to contract with a
14 public body,
- 15 e. any digital audio/video recordings of the toll
16 collection and safeguarding activities of the Oklahoma
17 Transportation Authority,
- 18 f. any personal information provided by a guest at any
19 facility owned or operated by the Oklahoma Tourism and
20 Recreation Department or the Board of Trustees of the
21 Quartz Mountain Arts and Conference Center and Nature
22 Park to obtain any service at the facility or by a
23 purchaser of a product sold by or through the Oklahoma
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- 1 Tourism and Recreation Department or the Quartz
2 Mountain Arts and Conference Center and Nature Park,
3 g. a Department of Defense Form 214 (DD Form 214) filed
4 with a county clerk, including any DD Form 214 filed
5 before July 1, 2002, or
6 h. except as provided for in Section 2-110 of Title 47 of
7 the Oklahoma Statutes,
8 (1) any record in connection with a Motor Vehicle
9 Report issued by the Department of Public Safety,
10 as prescribed in Section 6-117 of Title 47 of the
11 Oklahoma Statutes, or
12 (2) personal information within driver records, as
13 defined by the Driver's Privacy Protection Act,
14 18 United States Code, Sections 2721 through
15 2725, which are stored and maintained by the
16 Department of Public Safety;

17 2. "Public body" shall include, but not be limited to, any
18 office, department, board, bureau, commission, district court judge,
19 agency, trusteeship, authority, council, committee, trust or any
20 entity created by a trust, county, city, village, town, township,
21 district, school district, fair board, court, executive office,
22 advisory group, task force, study group, or any subdivision thereof,
23 supported in whole or in part by public funds or entrusted with the
24 expenditure of public funds or administering or operating public

1 property, and all committees, or subcommittees thereof. Except for
2 the records required by Section 24A.4 of this title, "public body"
3 does not mean judges, justices, the Council on Judicial Complaints,
4 the Legislature, or legislators. As used in the preceding sentence,
5 the term "judges" does not include district court judges;

6 3. "Public office" means the physical location where public
7 bodies conduct business or keep records;

8 4. "Public official" means any official or employee of any
9 public body as defined herein; and

10 5. "Law enforcement agency" means any public body charged with
11 enforcing state or local criminal laws and initiating criminal
12 prosecutions, including, but not limited to, police departments,
13 county sheriffs, the Department of Public Safety, the Oklahoma State
14 Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic
15 Beverage Laws Enforcement Commission, and the Oklahoma State Bureau
16 of Investigation.

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

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