

1 ENGROSSED SENATE  
2 BILL NO. 430

By: Pugh of the Senate

3 and

4 Osburn of the House

5  
6 An Act relating to criminal history records; amending  
7 74 O.S. 2011, Section 150.9, as last amended by  
8 Section 1, Chapter 156, O.S.L. 2017 (74 O.S. Supp.  
9 2018, Section 150.9), which relates to criminal  
10 history records; authorizing the Oklahoma State  
11 Bureau of Investigation to conduct and receive  
12 results of certain record checks for certain  
13 purposes; providing for the release of certain  
14 results to certain entities; providing an effective  
15 date; and declaring an emergency.

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

17 SECTION 1. AMENDATORY 74 O.S. 2011, Section 150.9, as  
18 last amended by Section 1, Chapter 156, O.S.L. 2017 (74 O.S. Supp.  
19 2018, Section 150.9), is amended to read as follows:

20 Section 150.9. A. The Oklahoma State Bureau of Investigation  
21 shall procure, file and maintain criminal history records for each  
22 person subject to mandatory reporting as provided by law, including  
23 photographs, descriptions, fingerprints, measurements and other  
24 pertinent information relating to such persons. It shall be the  
duty of law enforcement officers and agencies, sheriffs, police,  
courts, judicial officials, district attorneys, and the persons in  
charge of any state correctional facility or institution to furnish

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

11 B. 1. The Oklahoma ~~Department of Consumer Credit, the~~  
12 ~~Insurance Department, the Oklahoma Horse Racing Commission, or any~~  
13 ~~other~~ State Bureau of Investigation is authorized to conduct and  
14 receive results of national criminal history record checks for  
15 authorized purposes pursuant to Public Law 92-544, the National  
16 Child Protection Act/Volunteers for Children Act (NCPA/VCA) as  
17 amended, with or without a Volunteer and Employee Criminal History  
18 System (VECHS) waiver program or any other federal authorizing  
19 statute. The Oklahoma State Bureau of Investigation shall only  
20 release the results of national criminal history record checks to  
21 entities authorized to receive the results pursuant to federal law.

22 2. Any state agency, board, department or commission or any  
23 other person or entity authorized to request a criminal history  
24 record or an analysis of fingerprints for commercial, licensing or

1 other purposes, except law enforcement purposes, shall conduct a  
2 national criminal history records check on all persons of the entity  
3 authorized to access or review national criminal history records  
4 checks information by July 1, 2009, and within sixty (60) days  
5 thereafter.

6 ~~2.~~ 3. Each agency, person or entity authorized to request a  
7 criminal history record or an analysis of fingerprints shall pay a  
8 fee to the Bureau for each criminal history record or fingerprint  
9 analysis as follows:

10 Oklahoma criminal history record only \$15.00 each

11 Oklahoma criminal history record with  
12 fingerprint analysis \$19.00 each

13 National criminal history record with  
14 fingerprint analysis \$41.00 each

15 ~~3.~~ 4. For purposes of this section, "a national criminal  
16 history record check" means a check of criminal history records  
17 entailing the fingerprinting of the individual and submission of the  
18 fingerprints to the United States Federal Bureau of Investigation  
19 (FBI) for the purpose of obtaining the national criminal history  
20 record of the person from the FBI. A national criminal history  
21 record check may be obtained only when a check is authorized or  
22 required by state or federal law.

23 Agencies authorized by statute to conduct national criminal  
24 history background checks for individuals are eligible to

1 participate in the Federal Rap Back Program administered by the  
2 Oklahoma State Bureau of Investigation. The Oklahoma State Bureau  
3 of Investigation is authorized to submit fingerprints to the FBI Rap  
4 Back System to be retained in the FBI Rap Back System for the  
5 purpose of being searched by future submissions to the FBI Rap Back  
6 System, including latent fingerprint searches and to collect all  
7 Federal Rap Back Program fees from eligible agencies wishing to  
8 participate and remit such fees to the Federal Bureau of  
9 Investigation.

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

22 C. The Oklahoma State Bureau of Investigation may maintain an  
23 identification file, including fingerprint impressions, on any  
24 person under eighteen (18) years of age who is arrested or subject

1 to criminal or juvenile delinquency proceedings, provided all such  
2 information shall be confidential and shall only be made available  
3 to the Bureau and other law enforcement agencies. Whenever a  
4 fingerprint impression or other identification information is  
5 submitted to the Bureau on a person under eighteen (18) years of  
6 age, the Bureau may retain and file such fingerprint and  
7 identification information for identification purposes only. The  
8 Bureau shall ensure that the information received and maintained for  
9 identification purposes on persons under eighteen (18) years of age  
10 shall be handled and processed with great care to keep such  
11 information confidential from the general public. The Bureau may  
12 receive and maintain the fingerprints and other identification  
13 information on any person under eighteen (18) years of age believed  
14 to be the subject of a runaway, missing, or abduction investigation,  
15 for identification purposes at the request of a parent, guardian or  
16 legal custodian of the person.

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

23 SECTION 2. This act shall become effective July 1, 2019.  
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SECTION 3. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 11th day of March, 2019.

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Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
2019.

Presiding Officer of the House  
of Representatives