

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 HOUSE BILL 1995

 By: Nollan

7 AS INTRODUCED

8 An Act relating to counties and county offices;
9 amending 19 O.S. 2011, Section 517.1, as last amended
10 by Section 1, Chapter 145, O.S.L. 2017 (19 O.S. Supp.
11 2018, Section 517.1), which relates to retention and
12 disposal of county departmental records; directing
13 sheriff to keep recordings pursuant to video
14 retention schedule; requiring counties to keep
15 recordings of certain incidents for time certain;
16 directing sheriffs to establish video retention
17 schedule for certain recordings; stating requirements
18 of retention schedule; requiring retention of
19 evidentiary and nonevidentiary recordings and written
20 reports and records for time certain; directing
21 sheriffs to establish video retention schedule upon
22 approval by the district attorney; stating
23 requirements for retention schedule; providing for
24 codification; and providing an effective date.

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

20 SECTION 1. AMENDATORY 19 O.S. 2011, Section 517.1, as
21 last amended by Section 1, Chapter 145, O.S.L. 2017 (19 O.S. Supp.
22 2018, Section 517.1), is amended to read as follows:

23 Section 517.1 A. The governing body of each county may
24 establish a length of time for the county to keep departmental

1 records and authorize the sheriff to properly dispose of or digitize
2 all records not specifically addressed in other statutes.

3 B. Except as otherwise provided in this section, records shall
4 be kept for a minimum of seven (7) years. However, ~~if the sheriff~~
5 ~~is the sole source for such records, the records shall be kept for a~~
6 ~~minimum of seven (7) years; provided, that~~ the sheriff shall be
7 required to keep any audio or video recordings from recording
8 equipment attached to the person of a law enforcement officer
9 according to the video retention schedule for that county created
10 pursuant to subsection C of this section; provided, that the county
11 shall keep for a minimum of one (1) year any such recordings that
12 depict anything other than an or directly relate to:

- 13 1. An officer-involved shooting, ~~use;~~
- 14 2. Use of lethal force, ~~incidents involving;~~
- 15 3. Incidents resulting in medical treatment, ~~incidents where;~~
- 16 4. Incidents identified in a written application ~~is received~~
17 for the preservation of the ~~specific event,~~ recording of the
18 incident received by a county sheriff within ninety (90) days of the
19 recording of the incident; or ~~upon request of~~
- 20 5. Incidents identified for preservation as requested by the
21 district attorney ~~may be kept at a minimum of one (1) year to be~~
22 ~~determined by the county sheriff.~~

23 C. The sheriff's office of each county that utilizes or
24 operates audio or video recordings from recording equipment attached

1 to the person of a law enforcement officer within the sheriff's
2 office shall establish a video retention schedule that shall consist
3 of requirements for storing and keeping any such audio or video
4 recordings that do not depict or directly relate to the incidents
5 described in paragraphs 1 through 5 of subsection B of this section.
6 The video retention schedule shall establish a method by which
7 recordings shall be classified as either evidentiary or
8 nonevidentiary. Recordings classified as nonevidentiary shall be
9 kept for a minimum of ninety (90) days. Recordings classified as
10 evidentiary shall be kept for a minimum of one (1) year.

11 D. Any written reports and records related to the audio or
12 video recordings described in subsections B and C of this section
13 shall be kept for a minimum of seven (7) years.

14 SECTION 2. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 517.2 of Title 19, unless there
16 is created a duplication in numbering, reads as follows:

17 The sheriff's office of each county that utilizes or operates
18 audio or video recordings from the recording equipment attached to
19 the person of a law enforcement officer within the sheriff's office
20 shall establish, upon approval of the district attorney for that
21 jurisdiction, a video retention schedule that shall state which
22 video-recorded incidents or actions taken by the law enforcement
23 officer, other than the incidents described in paragraphs 1 through
24

1 5 of subsection B of Section 517.1 of Title 19 of the Oklahoma
2 Statutes, are classified as either nonevidentiary or evidentiary
3 recordings. Recordings classified as nonevidentiary shall be kept
4 for a minimum of ninety (90) days.

5 SECTION 3. This act shall become effective November 1, 2019.

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7 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,
8 dated 02/14/2019 - DO PASS.

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