

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 ENGROSSED SENATE
5 BILL NO. 430

By: Pugh of the Senate

and

Osburn of the House

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

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

20 SECTION 1. AMENDATORY 74 O.S. 2011, Section 150.9, as
21 last amended by Section 1, Chapter 156, O.S.L. 2017 (74 O.S. Supp.
22 2018, Section 150.9), is amended to read as follows:

23 Section 150.9. A. The Oklahoma State Bureau of Investigation
24 shall procure, file and maintain criminal history records for each
person subject to mandatory reporting as provided by law, including
photographs, descriptions, fingerprints, measurements and other

1 pertinent information relating to such persons. It shall be the
2 duty of law enforcement officers and agencies, sheriffs, police,
3 courts, judicial officials, district attorneys, and the persons in
4 charge of any state correctional facility or institution to furnish
5 criminal history records to the Bureau as required by Section 150.1
6 et seq. of this title. The Oklahoma State Bureau of Investigation
7 shall cooperate with and assist the sheriffs, chiefs of police and
8 other law enforcement officers of the state by maintaining a
9 complete criminal history record on each person subject to mandatory
10 reporting as provided by law, and shall have on file the fingerprint
11 impressions of all such persons together with other pertinent
12 information as may from time to time be received from the law
13 enforcement officers of this and other states or as may be required
14 by law.

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

3 2. Any state agency, board, department or commission or any
4 other person or entity authorized to request a criminal history
5 record or an analysis of fingerprints for commercial, licensing or
6 other purposes, except law enforcement purposes, shall conduct a
7 national criminal history records check on all persons of the entity
8 authorized to access or review national criminal history records
9 checks information by July 1, 2009, and within sixty (60) days
10 thereafter.

11 ~~2.~~ 3. Each agency, person or entity authorized to request a
12 criminal history record or an analysis of fingerprints shall pay a
13 fee to the Bureau for each criminal history record or fingerprint
14 analysis as follows:

15 Oklahoma criminal history record only \$15.00 each

16 Oklahoma criminal history record with
17 fingerprint analysis \$19.00 each

18 National criminal history record with
19 fingerprint analysis \$41.00 each

20 ~~3.~~ 4. For purposes of this section, "a national criminal
21 history record check" means a check of criminal history records
22 entailing the fingerprinting of the individual and submission of the
23 fingerprints to the United States Federal Bureau of Investigation
24 (FBI) for the purpose of obtaining the national criminal history

1 record of the person from the FBI. A national criminal history
2 record check may be obtained only when a check is authorized or
3 required by state or federal law.

4 Agencies authorized by statute to conduct national criminal
5 history background checks for individuals are eligible to
6 participate in the Federal Rap Back Program administered by the
7 Oklahoma State Bureau of Investigation. The Oklahoma State Bureau
8 of Investigation is authorized to submit fingerprints to the FBI Rap
9 Back System to be retained in the FBI Rap Back System for the
10 purpose of being searched by future submissions to the FBI Rap Back
11 System, including latent fingerprint searches and to collect all
12 Federal Rap Back Program fees from eligible agencies wishing to
13 participate and remit such fees to the Federal Bureau of
14 Investigation.

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

1 Bureau of Investigation, and upon verification of that record the
2 Bureau records shall reflect the dismissal of that charge.

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

22 D. Any person who knowingly procures, utters, or offers any
23 false, forged or materially altered criminal history record shall be
24 guilty of a felony and upon conviction shall be punished by

1 imprisonment in the custody of the Department of Corrections for a
2 period not to exceed five (5) years or by a fine not to exceed Five
3 Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

4 SECTION 2. This act shall become effective July 1, 2019.

5 SECTION 3. It being immediately necessary for the preservation
6 of the public peace, health or safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

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10 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 03/27/2019
11 - DO PASS.
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