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February 27, 2019

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 430

By: Pugh

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[ criminal history records - Oklahoma State Bureau of
Investigation to conduct and receive results -
effective date -                                     emergency ]
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

Section 150.9. A. The Oklahoma State Bureau of Investigation 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 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 criminal history records to the Bureau as required by Section 150.1 et seq. of this title. The Oklahoma State Bureau of Investigation

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

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

20 2. Any state agency, board, department or commission or any
21 other person or entity authorized to request a criminal history
22 record or an analysis of fingerprints for commercial, licensing or
23 other purposes, except law enforcement purposes, shall conduct a
24 national criminal history records check on all persons of the entity

1 authorized to access or review national criminal history records
2 checks information by July 1, 2009, and within sixty (60) days
3 thereafter.

4 ~~2.~~ 3. Each agency, person or entity authorized to request a
5 criminal history record or an analysis of fingerprints shall pay a
6 fee to the Bureau for each criminal history record or fingerprint
7 analysis as follows:

8 Oklahoma criminal history record only \$15.00 each

9 Oklahoma criminal history record with
10 fingerprint analysis \$19.00 each

11 National criminal history record with
12 fingerprint analysis \$41.00 each

13 ~~3.~~ 4. For purposes of this section, "a national criminal
14 history record check" means a check of criminal history records
15 entailing the fingerprinting of the individual and submission of the
16 fingerprints to the United States Federal Bureau of Investigation
17 (FBI) for the purpose of obtaining the national criminal history
18 record of the person from the FBI. A national criminal history
19 record check may be obtained only when a check is authorized or
20 required by state or federal law.

21 Agencies authorized by statute to conduct national criminal
22 history background checks for individuals are eligible to
23 participate in the Federal Rap Back Program administered by the
24 Oklahoma State Bureau of Investigation. The Oklahoma State Bureau

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

8 ~~4.~~ 5. Unless a national criminal history record is specifically
9 requested, a fingerprint analysis shall be limited to only those
10 records available at the Oklahoma State Bureau of Investigation.
11 Following receipt of the appropriate fee, the Bureau shall provide,
12 as soon as possible, the criminal history record requested;
13 provided, however, it shall be the duty and responsibility of the
14 requesting authority to evaluate the criminal history record as such
15 record may apply to a specific purpose or intent. An individual may
16 submit a certified court record showing that a charge was dismissed
17 or a certified copy of a gubernatorial pardon to the Oklahoma State
18 Bureau of Investigation, and upon verification of that record the
19 Bureau records shall reflect the dismissal of that charge.

20 C. The Oklahoma State Bureau of Investigation may maintain an
21 identification file, including fingerprint impressions, on any
22 person under eighteen (18) years of age who is arrested or subject
23 to criminal or juvenile delinquency proceedings, provided all such
24 information shall be confidential and shall only be made available

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

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

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

22 ~~SECTION 3. It being immediately necessary for the preservation~~
23 ~~of the public peace, health or safety, an emergency is hereby~~
24

1 ~~declared to exist, by reason whereof this act shall take effect and~~
2 ~~be in full force from and after its passage and approval.~~

3 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
4 February 27, 2019 - DO PASS AS AMENDED
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