

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 1304

By: Lowe

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5  
6 AS INTRODUCED

7 An Act relating to the Oklahoma Open Records Act;  
8 amending 51 O.S. 2011, Section 24A.3, as amended by  
9 Section 2, Chapter 266, O.S.L. 2014 (51 O.S. Supp.  
10 2018, Section 24A.3), which relates to definitions;  
11 making judges of the district courts subject to open  
12 records requests; and providing an effective date.

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

14 SECTION 1. AMENDATORY 51 O.S. 2011, Section 24A.3, as  
15 amended by Section 2, Chapter 266, O.S.L. 2014 (51 O.S. Supp. 2018,  
16 Section 24A.3), is amended to read as follows:

17 As used in the Oklahoma Open Records Act:

18 1. "Record" means all documents, including, but not limited to,  
19 any book, paper, photograph, microfilm, data files created by or  
20 used with computer software, computer tape, disk, record, sound  
21 recording, film recording, video record or other material regardless  
22 of physical form or characteristic, created by, received by, under  
23 the authority of, or coming into the custody, control or possession  
24 of public officials, public bodies, or their representatives in  
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, judge of a district  
19 court, agency, trusteeship, authority, council, committee, trust or  
20 any entity created by a trust, county, city, village, town,  
21 township, district, school district, fair board, court, executive  
22 office, advisory group, task force, study group, or any subdivision  
23 thereof, supported in whole or in part by public funds or entrusted  
24 with the expenditure of public funds or administering or operating

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

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

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

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

18 SECTION 2. This act shall become effective November 1, 2019.

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