

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 2778

 By: Pfeiffer of the House

5 and

6 **Coleman** of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to counties and county officers;
11 amending 19 O.S. 2011, Section 215.22, as last
12 amended by Section 4, Chapter 22, O.S.L. 2017 (19
13 O.S. Supp. 2020, Section 215.22), which relates to
14 records of the district attorney; clarifying
15 circumstances that allow for the destruction of
16 certain records and files of the district attorney;
17 authorizing the destruction of wildlife cases and
18 records; 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 215.22, as
21 last amended by Section 4, Chapter 22, O.S.L. 2017 (19 O.S. Supp.
22 2020, Section 215.22), is amended to read as follows:

23 Section 215.22 A. The district attorney is hereby authorized
24 to destroy all or a portion of his or her office records and files
 relating to:

1 1. Any felony case or record relating to a felony investigation
2 except where a homicide is involved, provided a period of ten (10)
3 years shall have elapsed since the last action in said case ~~and~~
4 ~~provided, or where~~ the district attorney ~~shall digitize~~ has
5 digitized or ~~provide~~ provided computer storage for such felony
6 cases;

7 2. Any misdemeanor ~~or~~ case, traffic case, wildlife case or
8 record relating to a misdemeanor ~~or~~, traffic or wildlife
9 investigation, provided a period of five (5) years shall have
10 elapsed since the last action in said case ~~and provided~~ or where the
11 district attorney ~~in his or her discretion may digitize~~ has
12 digitized or ~~provide~~ provided computer storage for such misdemeanor
13 ~~or~~, traffic or wildlife cases to be destroyed;

14 3. Any juvenile case, provided a period of ten (10) years shall
15 have elapsed since the last action in said case ~~and provided, or~~
16 where the district attorney ~~in his or her discretion may digitize~~
17 has digitized or ~~provide~~ provided computer storage for such juvenile
18 case to be destroyed; and

19 4. Any civil case, provided a period of ten (10) years shall
20 have elapsed since the last action in said case ~~and provided, or~~
21 where the district attorney ~~in his or her discretion may digitize~~
22 has digitized or ~~provide~~ provided computer storage for such civil
23 case to be destroyed.

1 B. The district attorney is authorized to reproduce a copy of
2 such record, file or case stored digitally or in computer storage as
3 provided in this section and such copy or computer-generated image
4 or record may be used by the district attorney in lieu of the
5 destroyed record, file or case, for all purposes.

6 SECTION 2. This act shall become effective November 1, 2021.
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8 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,
9 dated 02/22/2021 - DO PASS, As Coauthored.
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