

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 58th Legislature (2022)

4   HOUSE BILL 3066

                              By: Manger

7                               AS INTRODUCED

8           An Act relating to state government; amending 74 O.S.  
9           2021, Section 150.12, which relates to reporting of  
10          fingerprinting and criminal history information;  
            requiring municipal courts to report criminal history  
11          information to the Oklahoma State Bureau of  
            Investigation; and providing an effective date.

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

14           SECTION 1.        AMENDATORY        74 O.S. 2021, Section 150.12, is  
15   amended to read as follows:

16           Section 150.12   A.   1.   It is hereby the duty of any sheriff,  
17   chief of police, city marshal, constable and any other law  
18   enforcement officer who takes custody of a person who has been  
19   arrested and who, in the best judgment of the arresting officer, is  
20   believed to have committed any offense, except an offense exempted  
21   by the rules promulgated by the Oklahoma State Bureau of  
22   Investigation pursuant to the provisions of Section 150.1 et seq. of  
23   this title, to take or cause to be taken the fingerprint impressions  
24   of such person or persons and to forward such fingerprint

1 impressions together with identification information to the Oklahoma  
2 State Bureau of Investigation, at its Oklahoma City office. In the  
3 case of any sheriff, chief of police, city marshal, constable, or  
4 any other law enforcement officer equipped with a live-scan device  
5 designed for the electronic capture and transmission of fingerprint  
6 images approved by the Oklahoma State Bureau of Investigation,  
7 fingerprint images may instead be taken and transmitted to the  
8 Bureau electronically. If the sheriff, chief of police, city  
9 marshal, or constable has contracted for the custody of prisoners,  
10 such contractor shall be required to take the fingerprint  
11 impressions of such person.

12 2. It shall not be the responsibility of, nor shall the  
13 sheriff, chief of police, city marshal, constable, other law  
14 enforcement officer, or contractor receiving custody of an arrested  
15 person as a prisoner require the arresting officer to take the  
16 fingerprint impressions of the arrested person; provided, if the  
17 arresting officer is employed by the same law enforcement agency as  
18 the sheriff, chief of police, city marshal, or constable receiving  
19 custody of such person, the arresting officer may be required to  
20 take such impressions.

21 3. The law enforcement officers shall also forward the  
22 prosecution filing report and the disposition report forms to the  
23 appropriate prosecuting authority within seventy-two (72) hours. If  
24 fingerprint impressions have not been taken at the time of an

1 arrest, the court shall order the fingerprints to be taken by the  
2 sheriff at the arraignment, first appearance, or at the time of  
3 final adjudication of a defendant whose court attendance has been  
4 secured by a summons or citation for any offense, except an offense  
5 exempted by the rules promulgated by the Bureau. If a person is in  
6 the custody of a law enforcement or correctional agency and a  
7 warrant issues or an information is filed alleging the person to  
8 have committed an offense other than the offense for which the  
9 person is in custody, the custodial law enforcement or correctional  
10 agency shall take the fingerprints of such person in connection with  
11 the new offense, provided the offense is not exempted by the rules  
12 of the Bureau. Any fingerprint impressions and identification  
13 information required by this subsection shall be sent to the Bureau  
14 within seventy-two (72) hours after taking such fingerprints.

15 B. In order to maintain a complete criminal history record, the  
16 court shall inquire at the time of sentencing whether or not the  
17 person has been fingerprinted for the offense upon which the  
18 sentence is based and, if not, shall order the fingerprints be taken  
19 immediately of such person and those fingerprints shall be sent by  
20 the law enforcement agency taking the fingerprint impressions to the  
21 Bureau within seventy-two (72) hours after taking the fingerprint  
22 impressions.

23 C. In addition to any other fingerprints which may have been  
24 taken of a person in a criminal matter, the Department of

1 Corrections shall take the fingerprints of all prisoners received at  
2 the Lexington Reception and Assessment Center or otherwise received  
3 into the custody of the Department and shall send copies of such  
4 fingerprints together with identification information to the Bureau  
5 within seventy-two (72) hours of taking such fingerprints.

6 D. The Bureau shall, upon receipt of fingerprint impressions  
7 and identification information for offenses not exempt by rule of  
8 the Bureau, send one copy of the fingerprint impressions to the  
9 Federal Bureau of Investigation, at its Washington, D.C., office,  
10 and the other copy shall be filed in the Oklahoma State Bureau of  
11 Investigation's office. The rules promulgated by the Bureau  
12 pursuant to the provision of this act exempting certain offenses  
13 from mandatory reporting shall be based upon recommended Federal  
14 Bureau of Investigation standards for reporting criminal history  
15 information and are not intended to include violators of city or  
16 town ordinances and great care shall be exercised to exclude the  
17 reporting of criminal history information for such offenses, except  
18 when recommended by the Federal Bureau of Investigation standards.

19 E. The reporting to the Oklahoma State Bureau of Investigation  
20 of criminal history information on each person subject to the  
21 mandatory reporting requirements of Section 150.1 et seq. of this  
22 title shall be mandatory for all law enforcement agencies, courts of  
23 this state, including municipal courts, judicial officials, district  
24 attorneys and correctional administrators participating in criminal

1 matters, whether reported directly or indirectly, manually or by  
2 automated system as may be provided by the rules promulgated by the  
3 Bureau.

4 F. Except for offenses exempted by the rules promulgated by the  
5 Bureau, the following events shall be reported to the Bureau within  
6 seventy-two (72) hours and the Bureau shall have seventy-two (72)  
7 hours after receipt of the report to enter such information into a  
8 criminal record data base:

9 1. An arrest;

10 2. The release of a person after arrest without the filing of  
11 any charge; and

12 3. A decision of a prosecutor not to commence criminal  
13 proceedings or to defer or postpone prosecution.

14 G. Except for offenses exempted by the rules promulgated by the  
15 Bureau, the following events shall be reported to the Bureau within  
16 thirty (30) days and the Bureau shall have thirty (30) days after  
17 receipt of the report to enter such information into a criminal  
18 record data base:

19 1. A decision by a prosecutor to modify or amend initial  
20 charges upon which the arrest was made, including deletions or  
21 additions of charges or counts;

22 2. The presentment of an indictment or the filing of a criminal  
23 information or other statement of charges;

1        3. The dismissal of an indictment or criminal information or  
2 any charge specified in such indictment or criminal information;

3        4. An acquittal, conviction or other court disposition at trial  
4 or before, during or following trial, including dispositions  
5 resulting from pleas or other agreements;

6        5. The imposition of a sentence;

7        6. The commitment to or release from the custody of the  
8 Department of Corrections or incarceration in any jail or other  
9 correctional facility;

10       7. The escape from custody of any correctional facility, jail  
11 or authority;

12       8. The commitment to or release from probation or parole;

13       9. An order of any appellate court;

14       10. A pardon, reprieve, commutation of sentence or other change  
15 in sentence, including a change ordered by the court;

16       11. A revocation of probation or parole or other change in  
17 probation or parole status; and

18       12. Any other event arising out of or occurring during the  
19 course of criminal proceedings or terms of the sentence deemed  
20 necessary as provided by the rules established by the Bureau.

21       The Bureau shall have authority to withhold any entry on a  
22 criminal history record when there is reason to believe the entry is  
23 based on error or an unlawful order. The Bureau shall in such case  
24 take immediate action to clarify or correct the entry.

1       H. Information reportable under the provisions of this section  
2 shall be reportable by the law enforcement officer or person  
3 directly responsible for the action, event or decision, unless  
4 otherwise provided by rule or agreement. The form and content of  
5 information to be reported and methods for reporting information,  
6 including fingerprint impressions and other identification  
7 information, shall be established by the rules promulgated by the  
8 Bureau. The Bureau is hereby directed to establish rules to  
9 implement the provisions of Section 150.1 et seq. of this title,  
10 provided any rule relating to reporting by courts or judicial  
11 officials shall be issued jointly by the Bureau and the Oklahoma  
12 Supreme Court.

13       I. Any person or agency subject to the mandatory reporting of  
14 criminal history information or fingerprints as required by the  
15 provisions of this act shall take appropriate steps to ensure that  
16 appropriate agency officials and employees understand such  
17 requirements. Each agency shall establish, and in appropriate cases  
18 impose, administrative sanctions for failure of an official or  
19 employee to report as provided by law. Refusal or persistent  
20 failure of a person or agency to comply with the mandatory reporting  
21 requirements of this act may result in the discontinued access to  
22 Bureau information or assistance until such agency complies with the  
23 law.

24

1 J. All expungement orders which are presented to the Bureau for  
2 alterations to criminal history records must be accompanied by a  
3 payment of One Hundred Fifty Dollars (\$150.00) payable to the  
4 Bureau. The subject of the criminal history, whose record is being  
5 amended or updated based upon an expungement order, is responsible  
6 for such payment. Payment shall be rendered before any expungement  
7 order may be processed by the Bureau. Payment of the fee shall be  
8 waived if the subject of the criminal history record has been  
9 granted an expungement under the provisions of paragraph 3 of  
10 subsection A of Section 18 of Title 22 of the Oklahoma Statutes.

11 SECTION 2. This act shall become effective November 1, 2022.  
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13 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/15/2022 -  
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