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February 2, 2021

SENATE BILL NO. 47

By: Coleman of the Senate

and

Pfeiffer of the House

An Act relating to district attorneys; amending 19 O.S. 2011, Section 215.22, as last amended by Section 4, Chapter 22, O.S.L. 2017 (19 O.S. Supp. 2020, Section 215.22), which relates to destruction and reproduction of records; modifying requirements for destruction of certain records; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 2011, Section 215.22, as last amended by Section 4, Chapter 22, O.S.L. 2017 (19 O.S. Supp. 2020, Section 215.22), is amended to read as follows:

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

1. Any felony case or record relating to a felony investigation except where a homicide is involved, ~~provided~~ if a period of ten (10) years ~~shall have~~ has elapsed since the last action in ~~said~~ the case ~~and provided~~ or if the district attorney ~~shall digitize~~ has

1 digitized or ~~provide~~ provided computer storage for such felony cases
2 or records;

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

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

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

20 B. The district attorney is authorized to reproduce a copy of
21 ~~such a~~ a record, file or case stored digitally or in computer storage
22 as provided in this section and such copy or computer-generated
23 image or record may be used by the district attorney in lieu of the
24 destroyed record, file or case, for all purposes.

SECTION 2. This act shall become effective November 1, 2021.

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
February 2, 2021 - DO PASS