

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 4161

By: Goodwin

AS INTRODUCED

An Act relating to law enforcement; directing the Oklahoma State Bureau of Investigation to create certain annual report; directing the Oklahoma Highway Patrol Division and local law enforcement agencies to submit use-of-force incidents to the Bureau; specifying information to be submitted; prohibiting certain personal identification information from being reported; making certain data available to the public; directing the Bureau to maintain statewide database; requiring publication of data on website of the Bureau; providing for suspension of peace officer certification for noncompliance; defining terms; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 150.21c of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Beginning July 1, 2023, the Oklahoma State Bureau of Investigation shall create an annual report regarding use-of-force incidents involving peace officers in Oklahoma. The report shall include all the information that is reported to the Bureau pursuant

1 to subsection B of this section by law enforcement agencies that
2 employ peace officers in this state.

3 B. Beginning July 1, 2022, the Oklahoma Highway Patrol Division
4 of the Department of Public Safety and each local law enforcement
5 agency that employs peace officers in this state shall report to the
6 Bureau:

7 1. All uses of force by its peace officers that results in
8 death or bodily injury, including:

- 9 a. the date, time, and location of the use of force,
- 10 b. the perceived demographic information of the person
11 contacted; provided, that the identification of these
12 characteristics is based on the observation and
13 perception of the peace officer making the contact and
14 other available data,
- 15 c. the names of all peace officers who were at the scene,
16 identified by whether the peace officer was involved
17 in the use of force or not; provided, that the
18 identity of other peace officers at the scene not
19 directly involved in the use of force shall be
20 identified by the identification number of the officer
21 unless the peace officer is charged criminally or is a
22 defendant in a civil suit as a result arising from the
23 use of force,

- d. the type of force used, the severity and nature of the injury, whether the peace officer suffered physical injury, and the severity of the injury suffered by the peace officer,
- e. whether the peace officer was on duty at the time of the use of force,
- f. whether the peace officer unholstered a weapon during the incident,
- g. whether the peace officer discharged a firearm during the incident,
- h. whether the use of force resulted in a law enforcement agency investigation and the result of that investigation, and
- i. whether the use of force resulted in a citizen complaint and the resolution of that complaint;

2. All instances when a peace officer resigned while under investigation or was terminated for violating Department policy;

3. All data relating to contacts conducted by its peace officers, including:

- a. the perceived demographic information of the person contacted; provided, that the identification of these characteristics is based on the observation and perception of the peace officer making the contact and other available data,

- b. whether the contact was a traffic stop,
- c. the time, date, and location of the contact,
- d. the duration of the contact,
- e. the reason for the contact,
- f. the suspected crime,
- g. the result of the contact, such as:
 - (1) no action, warning, citation, property seizure, or an arrest,
 - (2) if a warning or citation was issued, the warning provided, or violation cited,
 - (3) if an arrest was made, the offense charged, or
 - (4) if the contact was a traffic stop, the information collected, which shall include the driver and contact with any passengers in the motor vehicle or pedestrians, and
- h. the actions taken by the peace officer during the contact including, but not limited to, whether:
 - (1) the peace officer asked for consent to search the person, and, if so, whether consent was provided,
 - (2) the peace officer searched the person or any property, and, if so, the basis for the search and the type of contraband or evidence discovered, if any,

- 1 (3) the peace officer seized any property, and, if
2 so, the type of property that was seized and the
3 basis for seizing the property,
4 (4) a peace officer unholstered a weapon during the
5 contact, and
6 (5) a peace officer discharged a firearm during the
7 contact; and

8 4. All instances of unannounced entry into a residence, with or
9 without a warrant, including:

- 10 a. the date, time, and location of the use of unannounced
11 entry,
12 b. the perceived demographic information of the subject
13 of the unannounced entry; provided, that the
14 identification of these characteristics is based on
15 the observation and perception of the peace officer
16 making the entry and other available data,
17 c. whether a peace officer unholstered a weapon during
18 the unannounced entry, and
19 d. whether a peace officer discharged a firearm during
20 the unannounced entry.

21 C. The Oklahoma Highway Patrol and local law enforcement
22 agencies shall not report the name, address, Social Security number,
23 or other unique personal identifying information of the subject of
24 the use of force, victim of the official misconduct, or persons

1 contacted, searched, or subjected to a property seizure. The data
2 reported pursuant to this section shall be available to the public
3 pursuant to subsection D of this section.

4 D. The Oklahoma State Bureau of Investigation shall maintain a
5 statewide database with data collected pursuant to the provisions of
6 this section, in a searchable format, and publish the database on
7 its website.

8 E. Any local law enforcement agency that fails to meet its
9 reporting obligations pursuant to the provisions of this section
10 shall have the certification of its peace officers suspended
11 indefinitely by the Council on Law Enforcement Education and
12 Training until compliance with the provisions of this section have
13 been met.

14 F. As used in this section:

15 1. "Law enforcement agency" means any department or agency of
16 the state, a county, a municipality, or political subdivision
17 thereof, with the duties to maintain public order, make arrests, and
18 enforce the criminal laws of this state or municipal ordinances
19 which employs CLEET-certified personnel; and

20 2. "Peace officer" shall have the same meaning as that term is
21 defined in Section 99 of Title 21 of the Oklahoma Statutes.

22 SECTION 2. This act shall become effective July 1, 2022.

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

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.

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