

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL 1976

By: Humphrey, Newton, and
McDugle of the House

and

Hamilton and Burns of the
Senate

COMMITTEE SUBSTITUTE

An Act relating to the Department of Public Safety;
authorizing the Commissioner of Public Safety to make
certain assignments to Department of Public Safety
personnel; authorizing certain Department employees
to carry a firearm; prohibiting the release of
certain information; making certain exception;
authorizing Commissioner to release certain
information; setting penalty for unauthorized release
of information; defining term; stating that certain
information is privileged, not discoverable, nor
subject to subpoena or court order for production;
allowing for production of information in certain
criminal proceedings; providing for codification; 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 2-105.9 of Title 47, unless
there is created a duplication in numbering, reads as follows:

1 A. The Commissioner of Public Safety may assign personnel
2 within the Department of Public Safety to:

3 1. Collect information concerning the activity and identity of
4 individuals reasonably believed to be engaged in terrorism, threats
5 to public safety, organized crime, criminal conspiracies, or any
6 other threats of violent crime;

7 2. Analyze collected information and disseminate such
8 information to other law enforcement agencies;

9 3. Coordinate the effort of this state with local, state, and
10 federal agencies to protect citizens from terrorism, threats to
11 public safety, organized crime, criminal conspiracies, or any other
12 threats of violent crime by creating a clearinghouse of crime-
13 related information for use by local, state, and federal law
14 enforcement agencies; and

15 4. Provide training to peace officers of this state concerning
16 the legal collection, preservation, and dissemination of crime-
17 related information.

18 B. The Commissioner may assign attorneys of the Department of
19 Public Safety to support such criminal analysis and investigative
20 functions, including providing assistance to the district attorney
21 in pursuing search warrants, arrest warrants, and other forms of
22 court orders and process in connection with criminal investigations
23 of the Department of Public Safety. With written authorization from
24 the Commissioner, Department attorneys assigned to these duties, who

1 have been certified by the Council on Law Enforcement Education and
2 Training to carry a weapon or have been issued a handgun license
3 pursuant to the provisions of the Oklahoma Self-Defense Act, shall
4 be authorized to carry a firearm on his or her person, whether on
5 duty or off duty, anywhere in the state pursuant to paragraph 3 of
6 subsection A of Section 1272 and paragraph 1 of subsection H of
7 Section 1277 of Title 21 of the Oklahoma Statutes.

8 C. Release of information compiled pursuant to this section
9 shall be prohibited except for release of information to law
10 enforcement agencies and prosecutorial authorities for the purpose
11 of crime prevention, criminal investigation, or criminal
12 prosecution. If the Commissioner determines it necessary to do so
13 in the interest of public safety or crime prevention, the
14 Commissioner may authorize the release of information compiled
15 pursuant to this section to leadership of the state or any political
16 subdivision, critical infrastructure personnel, the target of any
17 threat, or any segment of the public. Unauthorized release or
18 unauthorized use of this information shall be a misdemeanor and
19 shall be punishable by incarceration in the county jail not
20 exceeding one (1) year or a fine not exceeding Fifty Thousand
21 Dollars (\$50,000.00), or by both such fine and imprisonment. As
22 used in this section, "unauthorized release" or "unauthorized use"
23 shall include, but not be limited to, giving the information to any
24 person who is not a law enforcement officer or prosecutorial

1 authority unless necessitated by an ongoing criminal investigation,
2 or release of information to a law enforcement officer who is not
3 engaged in a criminal investigation requiring the information or who
4 is not authorized by his or her agency to receive such information,
5 or release of information without the express authority of the
6 Commissioner or in violation of any rules promulgated by the
7 Department of Public Safety. Information collected and compiled
8 under the authority of this section shall be privileged and not
9 discoverable nor subject to subpoena or order for production issued
10 by any court, other than production in a district court criminal
11 proceeding for the prosecution of crimes which are the subject of
12 the information sought.

13 SECTION 2. It being immediately necessary for the preservation
14 of the public peace, health or safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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