

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1976

By: Humphrey and **Newton**

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8 COMMITTEE SUBSTITUTE

9 An Act relating to the Department of Public Safety;
10 authorizing the Commissioner of Public Safety to make
11 certain assignments to Department of Public Safety
12 personnel; authorizing certain Department employees
13 to carry a firearm; prohibiting the release of
14 certain information; making certain exception;
15 authorizing Commissioner to release certain
16 information; setting penalty for unauthorized release
17 of information; defining term; stating that certain
18 information is privileged, not discoverable, nor
19 subject to subpoena or court order for production;
20 allowing for production of information in certain
21 criminal proceedings; providing for codification; and
22 declaring an emergency.

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

24 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:

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

1 1. Perform assessments or investigations into terrorism,
2 threats to public safety, organized crime, criminal conspiracies, or
3 any other threats of violent crime;

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

8 3. Analyze collected information and disseminate such
9 information to other law enforcement agencies;

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

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

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

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

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

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

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

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19 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
20 dated 03/02/2023 - DO PASS, As Amended and Coauthored.
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