

**SENATE FLOOR VERSION**

February 6, 2024

SENATE BILL NO. 1574

By: Floyd

An Act relating to the Oklahoma Open Records Act; amending 51 O.S. 2021, Section 24A.3, as last amended by Section 11, Chapter 271, O.S.L. 2023 (51 O.S. Supp. 2023, Section 24A.3), which relates to definitions; modifying definition; updating statutory reference; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 51 O.S. 2021, Section 24A.3, as last amended by Section 11, Chapter 271, O.S.L. 2023 (51 O.S. Supp. 2023, Section 24A.3), is amended to read as follows:

Section 24A.3. As used in the Oklahoma Open Records Act:

1. "Record" means all documents including, but not limited to, any book, paper, photograph, microfilm, data files created by or used with computer software, computer tape, disk, record, sound recording, film recording, video record or other material regardless of physical form or characteristic, created by, received by, under the authority of, or coming into the custody, control or possession of public officials, public bodies or their representatives in connection with the transaction of public business, the expenditure

1 of public funds or the administering of public property. Record  
2 does not mean:

- 3 a. computer software,
- 4 b. nongovernment personal effects,
- 5 c. unless public disclosure is required by other laws or  
6 regulations, vehicle movement records of the Oklahoma  
7 Transportation Authority obtained in connection with  
8 the Authority's electronic toll collection system,
- 9 d. personal financial information, credit reports or  
10 other financial data obtained by or submitted to a  
11 public body for the purpose of evaluating credit  
12 worthiness, obtaining a license, permit or for the  
13 purpose of becoming qualified to contract with a  
14 public body,
- 15 e. any digital audio/video recordings of the toll  
16 collection and safeguarding activities of the Oklahoma  
17 Transportation Authority,
- 18 f. any personal information provided by a guest at any  
19 facility owned or operated by the Oklahoma Tourism and  
20 Recreation Department to obtain any service at the  
21 facility or by a purchaser of a product sold by or  
22 through the Oklahoma Tourism and Recreation  
23 Department,

- 1           g.    a Department of Defense Form 214 (DD Form 214) filed  
2                   with a county clerk including any DD Form 214 filed  
3                   before July 1, 2002,
- 4           h.    except as provided for in Section 2-110 of Title 47 of  
5                   the Oklahoma Statutes:
- 6                   (1)   any record in connection with a Motor Vehicle  
7                           Report issued by ~~the Department of Public Safety,~~  
8                           Service Oklahoma as prescribed in Section 6-117  
9                           of Title 47 of the Oklahoma Statutes, or
- 10                  (2)   personal information within driver records, as  
11                           defined by the Driver's Privacy Protection Act,  
12                           Title 18 of the United States Code, Sections 2721  
13                           through 2725, which are stored and maintained by  
14                           ~~the Department of Public Safety~~ Service Oklahoma,
- 15           i.    (1)   any portion of any document or information  
16                           provided to an agency or entity of the state or a  
17                           political subdivision to obtain licensure under  
18                           the laws of this state or a political subdivision  
19                           that contains an applicant's personal address,  
20                           personal phone number, personal electronic mail  
21                           address or other contact information. Provided,  
22                           however, lists of persons licensed, the existence  
23                           of a license of a person, or a business or  
24                           commercial address, or other business or

1 commercial information disclosable under state  
2 law submitted with an application for licensure  
3 shall be public record,

4 (2) division (1) of this subparagraph shall not apply  
5 to applications and other documents related to  
6 licensure matters that are filed of record in a  
7 district court including but not limited to  
8 marriage licenses, process server licenses,  
9 closing out sale licenses, transient merchant  
10 licenses, pool hall licenses, and bail bondsmen  
11 registration, or

12 j. an investigative file obtained during an investigation  
13 conducted by the State Department of Health under ~~this~~  
14 ~~act~~ the Long-Term Care Administrator Licensing Act;

15 2. "Public body" shall include, but not be limited to, any  
16 office, department, board, bureau, commission, agency, trusteeship,  
17 authority, council, committee, trust or any entity created by a  
18 trust, county, city, village, town, township, district, school  
19 district, fair board, court, executive office, advisory group, task  
20 force, study group or any subdivision thereof, supported in whole or  
21 in part by public funds or entrusted with the expenditure of public  
22 funds or administering or operating public property, and all  
23 committees, or subcommittees thereof. Except for the records  
24 required by Section 24A.4 of this title, public body does not mean

1 judges, justices, the Council on Judicial Complaints, the  
2 Legislature or legislators. Public body shall not include an  
3 organization that is exempt from federal income tax under Section  
4 501(c)(3) of the Internal Revenue Code of 1986, as amended, and  
5 whose sole beneficiary is a college or university, or an affiliated  
6 entity of the college or university, that is a member of The  
7 Oklahoma State System of Higher Education. Such organization shall  
8 not receive direct appropriations from the ~~Oklahoma~~ Legislature.  
9 The following persons shall not be eligible to serve as a voting  
10 member of the governing board of the organization:

11 a. a member, officer, or employee of the Oklahoma State  
12 Regents for Higher Education,

13 b. a member of the board of regents or other governing  
14 board of the college or university that is the sole  
15 beneficiary of the organization, or

16 c. an officer or employee of the college or university  
17 that is the sole beneficiary of the organization;

18 3. "Public office" means the physical location where public  
19 bodies conduct business or keep records;

20 4. "Public official" means any official or employee of any  
21 public body as defined herein; and

22 5. "Law enforcement agency" means any public body charged with  
23 enforcing state or local criminal laws and initiating criminal  
24 prosecutions including, but not limited to, police departments,

1 county sheriffs, the Department of Public Safety, the Oklahoma State  
2 Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic  
3 Beverage Laws Enforcement Commission, and the Oklahoma State Bureau  
4 of Investigation.

5 SECTION 2. This act shall become effective November 1, 2024.

6 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
7 February 6, 2024 - DO PASS  
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