

1 **SENATE FLOOR VERSION**

2 February 15, 2024

3 SENATE BILL NO. 1662

By: Gollihare

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6 An Act relating to the Oklahoma State Bureau of
7 Investigation; defining terms; authorizing the
8 Director of the Oklahoma State Bureau of
9 Investigation to develop certain procedures related
10 to requests for certain record checks; stating
11 criteria for such requests; requiring submission of
12 fingerprints for certain determination; determining
13 responsibility of certain entity to provide certain
14 decision; authorizing application to certain
15 individuals and entities; providing certain
16 construction; providing for codification; and
17 providing an effective date.

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 150.9.2 of Title 74, unless
21 there is created a duplication in numbering, reads as follows:

22 A. For purposes of this section, the following terms are
23 defined as follows:

24 1. "Authorized agency" means the agency designated by statute
to report, receive, or disseminate a state or national criminal
history record check;

2. "Child" means a person who is under the age of eighteen
(18) years;

1 3. "Care" means the provision of care, treatment, education,
2 training, instruction, supervision, or recreation to children, the
3 elderly, or individuals with disabilities;

4 4. "Covered individual" means a person who:

5 a. has, seeks to have, or may have access to children,
6 the elderly, or individuals with disabilities, served
7 by a qualified entity, and

8 b. (1) is employed by or volunteers with, or seeks to be
9 employed by or volunteer with, a qualified
10 entity, or

11 (2) owns or operates, or seeks to own or operate, a
12 qualified entity;

13 5. "Employed by" means to be paid to provide or seek to provide
14 care services for a qualified entity, regardless of being paid
15 directly by the qualified entity or by an entity contracted by the
16 qualified entity to provide care;

17 6. "Individuals with disabilities" means persons with a mental
18 or physical impairment who require assistance to perform one or more
19 daily living tasks;

20 7. "National criminal history record check system" means the
21 criminal history record system maintained by the Federal Bureau of
22 Investigation (FBI) based on fingerprint identification or any other
23 method of positive identification; and
24

1 8. "Qualified entity" means a business or organization whether
2 public, private, for-profit, not-for-profit, or voluntary, that
3 provides care or care placement services, including a business or
4 organization that licenses or certifies others to provide care or
5 care placement services.

6 B. The Director of the Oklahoma State Bureau of Investigation
7 (OSBI) shall develop procedures in accordance with the federal
8 National Child Protection Act of 1993 and the federal Volunteers for
9 Children Act to enable a qualified entity to request a state and
10 national criminal history record check to determine whether a
11 covered individual is the subject of any child abuse crime.

12 C. The request for a state and national criminal history record
13 check shall be made by:

14 1. Electronically submitting the fingerprints of the covered
15 individual to the OSBI as directed by the authorized agency; and

16 2. Submitting to the authorized agency a copy of a statement
17 signed by the covered individual that includes:

18 a. a waiver permitting the qualified entity to request
19 and receive a criminal history record check for the
20 purpose of determining the qualification and fitness
21 of a person to serve as a covered individual,

22 b. the name, address, and date of birth of the covered
23 individual as it appears on a valid identification
24 document,

- 1 c. a disclosure of whether the individual has ever been
2 convicted of or is the subject of pending charges for
3 a criminal offense and, if convicted, a description of
4 the crime and the result of the conviction, and
5 d. a notice to the individual that he or she is entitled
6 to obtain a copy of the criminal history record check
7 to verify the accuracy and completeness of any
8 information contained in such report before a
9 determination is made by the qualified entity.

10 D. An authorized agency shall require a qualified entity to
11 obtain fingerprints from a covered individual and to submit the
12 fingerprints to the OSBI and the FBI for a state and national
13 criminal history record check. The OSBI shall use the fingerprints
14 to identify the individual and to determine whether he or she has a
15 record of criminal history in this state or other jurisdictions or
16 countries. The OSBI will provide results of the criminal history
17 record check to the authorized agency. The authorized agency may
18 use the information obtained from the fingerprints and such state
19 and national criminal history record checks in the official
20 determination of the qualifications and fitness of the person to
21 serve as a covered individual.

22 E. The authorized agency shall be solely responsible for making
23 any determination that a criminal history record of a person shows
24 that such person has been convicted of a crime that bears upon the

1 fitness of such person to serve as a provider. This section does
2 not require the OSBI to make such a determination on behalf of any
3 authorized agency.

4 F. This section shall only apply to covered individuals and
5 qualified entities as defined in this section. This section shall
6 not be construed to replace, supersede, or in any way affect any
7 state law that requires a national criminal history record check,
8 prescribes procedures for a national criminal history record check
9 required by state law, or precludes an individual from employment
10 based on the results of a national criminal history record check
11 required by state law.

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

13 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
14 February 15, 2024 - DO PASS
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