

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 855

By: Thompson (Kristen)

AS INTRODUCED

An Act relating to the Oklahoma State Bureau of Investigation; amending 74 O.S. 2021, Section 150.5, which relates to persons to initiate request for investigations; modifying allowable requestors; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2021, Section 150.5, is amended to read as follows:

Section 150.5. A. 1. Oklahoma State Bureau of Investigation investigations not covered under Section 150.2 of this title shall be initiated at the request of the following persons:

- a. the Governor,
- b. the Attorney General,
- c. the Council on Judicial Complaints upon a vote by a majority of the Council,
- d. the chair of any Legislative Investigating Committee which has been granted subpoena powers by resolution, upon authorization by a vote of the majority of the Committee,

- 1 e. the Director of the Department of Human Services, or
2 designee, as authorized by Section 1-2-105 of Title
3 10A of the Oklahoma Statutes, ~~or~~
4 f. a district court judge as authorized by Section 1-2-
5 103 of Title 10A of the Oklahoma Statutes, or
6 g. a multidisciplinary child abuse team coordinator, as
7 provided for in Section 1-9-102 of Title 10A of the
8 Oklahoma Statutes.

9 2. Requests for investigations shall be submitted in writing
10 and shall contain specific allegations of wrongdoing under the laws
11 of the State of Oklahoma.

12 B. The Governor may initiate special background investigations
13 with the written consent of the person who is the subject of the
14 investigation.

15 C. The chair of any Senate committee which is fulfilling the
16 statutory responsibility for approving nominations made by the
17 Governor may, upon a vote by a majority of the committee and with
18 the written consent of the person who is to be the subject of the
19 investigation, initiate a special background investigation of any
20 nominee for the Oklahoma Horse Racing Commission as established by
21 Section 201 of Title 3A of the Oklahoma Statutes or any nominee for
22 the Board of Trustees of the Oklahoma Lottery Commission as
23 established by Section 704 of Title 3A of the Oklahoma Statutes.
24 The Bureau shall submit a report to the committee within thirty (30)

1 days of the receipt of the request. Any consideration by the
2 committee of a report from the Bureau shall be for the exclusive use
3 of the committee and shall be considered only in executive session.

4 D. 1. All records relating to any investigation being
5 conducted by the Bureau, including any records of laboratory
6 services provided to law enforcement agencies pursuant to paragraph
7 1 of Section 150.2 of this title, shall be confidential and shall
8 not be open to the public or to the Commission except as provided in
9 Section 150.4 of this title; provided, however, officers and agents
10 of the Bureau may disclose, at the discretion of the Director, such
11 investigative information to:

- 12 a. officers and agents of federal, state, county, or
13 municipal law enforcement agencies and to district
14 attorneys, in the furtherance of criminal
15 investigations within their respective jurisdictions,
- 16 b. employees of the Department of Human Services in the
17 furtherance of child abuse investigations, and
- 18 c. appropriate accreditation bodies for the purposes of
19 the Bureau's obtaining or maintaining accreditation.

20 2. Any unauthorized disclosure of any information contained in
21 the confidential files of the Bureau shall be a misdemeanor. The
22 person or entity authorized to initiate investigations in this
23 section, and the Attorney General in the case of investigations
24 initiated by the Insurance Commissioner, shall receive a report of

1 the results of the requested investigation. The person or entity
2 requesting the investigation may give that information only to the
3 appropriate prosecutorial officer or agency having statutory
4 authority in the matter if that action appears proper from the
5 information contained in the report, and shall not reveal or give
6 such information to any other person or agency. Violation hereof
7 shall be deemed willful neglect of duty and shall be grounds for
8 removal from office.

9 E. It shall not be a violation of this section to reveal
10 otherwise confidential information to outside agencies or
11 individuals who are providing interpreter services, questioned
12 document analysis, laboratory services, or other specialized
13 services that are necessary in the assistance of Bureau
14 investigations. Individuals or agencies receiving the confidential
15 and investigative information or records or results of laboratory
16 services provided to the Bureau by those agencies or individuals,
17 shall be subject to the confidentiality provisions and requirements
18 established in subsection D of this section.

19 F. It shall not be a violation of this section to reveal for
20 training or educational purposes otherwise confidential information
21 from records relating to any investigation previously conducted by
22 the Bureau, including any records of laboratory services provided to
23 law enforcement agencies pursuant to paragraph 1 of Section 150.2 of
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1 this title, so long as ten (10) or more years have passed since the
2 production of the information or record.

3 G. It shall not be a violation of this section to reveal
4 otherwise confidential information from records relating to any
5 investigation being conducted by the Bureau, including any records
6 of laboratory services provided to law enforcement agencies pursuant
7 to paragraph 1 of Section 150.2 of this title or to the public,
8 provided, release of the confidential information has been
9 authorized by the Director of the Bureau for the purposes of
10 developing or obtaining further information reasonably necessary to
11 the successful conclusion of a criminal investigation being
12 conducted by the Bureau or authorized by the Director of the Bureau
13 for the purpose of advising crime victims or family representatives
14 of homicide victims regarding the status of a pending investigation.

15 H. The State Treasurer shall initiate a complete background
16 investigation of the positions with the written consent of the
17 persons who are the subject of the investigation pursuant to
18 subsection I of Section 71.1 of Title 62 of the Oklahoma Statutes.
19 The Bureau shall advise the State Treasurer and the Cash Management
20 and Investment Oversight Commission in writing of the results of the
21 investigation.

22 SECTION 2. This act shall become effective November 1, 2023.
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