

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 SENATE BILL 1496

By: Gollihare

6 AS INTRODUCED

7 An Act relating to the Oklahoma State Bureau of
8 Investigation; amending 74 O.S. 2021, Sections 150.5,
9 150.7, and 150.11, which relate to investigations,
10 powers and duties of the Director of the Oklahoma
11 State Bureau of Investigation, and evidentiary
12 property; clarifying confidentiality provisions;
13 authorizing disclosure of statistical data;
14 authorizing Director to digitally store and dispose
of certain records; authorizing Director to accept
certain monies to be deposited in certain fund;
authorizing certain evidence disposal; requiring
certain affidavit; clarifying property sale
provisions; permitting refusal to sell property under
certain circumstance; updating statutory language and
references; and providing an effective date.

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

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

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

23 a. the Governor,

24 b. the Attorney General,

1 c. the Council on Judicial Complaints upon a vote by a
2 majority of the Council,
3 d. the chair of any ~~Legislative Investigating Committee~~
4 legislative investigating committee which has been
5 granted subpoena powers by resolution, upon
6 authorization by a vote of the majority of the
7 Committee committee,
8 e. the Director ~~of the Department~~ of Human Services, or
9 designee, as authorized by Section 1-2-105 of Title
10 10A of the Oklahoma Statutes, or
11 f. a district court judge as authorized by Section 1-2-
12 103 of Title 10A of the Oklahoma Statutes.

13 2. Requests for investigations shall be submitted in writing
14 and shall contain specific allegations of wrongdoing under the laws
15 of ~~the State of Oklahoma~~ this state.

16 B. The Governor may initiate special background investigations
17 with the written consent of the person who is the subject of the
18 investigation.

19 C. The chair of any Senate committee which is fulfilling the
20 statutory responsibility for approving nominations made by the
21 Governor may, upon a vote by a majority of the committee and with
22 the written consent of the person who is to be the subject of the
23 investigation, initiate a special background investigation of any
24 nominee for the Oklahoma Horse Racing Commission as established by

1 Section 201 of Title 3A of the Oklahoma Statutes or any nominee for
2 the ~~Board of Trustees~~ board of trustees of the Oklahoma Lottery
3 Commission as established by Section 704 of Title 3A of the Oklahoma
4 Statutes. The Bureau shall submit a report to the committee within
5 thirty (30) days of the receipt of the request. Any consideration
6 by the committee of a report from the Bureau shall be for the
7 exclusive use of the committee and shall be considered only in
8 executive session.

9 D. 1. All records relating to any investigation being
10 conducted by the Bureau, including any records of laboratory
11 services provided to law enforcement agencies pursuant to paragraph
12 1 of subsection A of Section 150.2 of this title, shall be
13 confidential and shall not be open to the public or to the Oklahoma
14 State Bureau of Investigation Commission except as provided in
15 Section 150.4 of this title; provided, however, officers and agents
16 of the Bureau may disclose, at the discretion of the Director of the
17 Oklahoma State Bureau of Investigation, such investigative
18 information to:

19 a. officers and agents of federal, state, county, tribal,
20 or municipal law enforcement agencies and to ~~district~~
21 ~~attorneys, in the furtherance of criminal~~
22 ~~investigations prosecutorial entities for the purpose~~
23 of criminal investigations and prosecutions within
24 their respective jurisdictions,

1 b. employees of the Department of Human Services in the
2 furtherance of child abuse investigations, and
3 c. appropriate accreditation bodies for the purposes of
4 the Bureau's obtaining or maintaining accreditation.

5 2. Any unauthorized disclosure of any information contained in
6 the confidential files of the Bureau, not otherwise prepared for the
7 purpose of statistical data as referenced in this section, shall be
8 a misdemeanor. The person or entity authorized to initiate
9 investigations in this section, and the Attorney General in the case
10 of investigations initiated by the Insurance Commissioner, shall
11 receive a report of the results of the requested investigation. The
12 person or entity requesting the investigation may give that
13 information only to the appropriate prosecutorial officer or agency
14 having statutory authority in the matter if that action appears
15 proper from the information contained in the report, and shall not
16 reveal or give such information to any other person or agency.
17 Violation hereof shall be deemed willful neglect of duty and shall
18 be grounds for removal from office.

19 E. It shall not be a violation of this section to reveal
20 otherwise confidential information to outside agencies or
21 individuals who are providing interpreter services, questioned
22 document analysis, laboratory services, or other specialized
23 services that are necessary in the to or that may provide assistance
24 of in Bureau investigations. Individuals or agencies receiving the

1 confidential and investigative information or records or results of
2 laboratory services provided to the Bureau by those agencies or
3 individuals, shall be subject to the confidentiality provisions and
4 requirements established in subsection D of this section.

5 F. It shall not be a violation of this section to reveal for
6 training or educational purposes otherwise confidential information
7 from records relating to any investigation previously conducted by
8 the Bureau, including any records of laboratory services provided to
9 law enforcement agencies pursuant to paragraph 1 of subsection A of
10 Section 150.2 of this title, so long as ten (10) or more years have
11 passed since the production of the information or record or such
12 information or record relates to an investigation that is closed by
13 way of conviction or plea of guilty or nolo contendere.

14 G. It shall not be a violation of this section to reveal
15 otherwise confidential information from records relating to any
16 investigation being conducted by the Bureau, including any records
17 of laboratory services provided to law enforcement agencies pursuant
18 to paragraph 1 of subsection A of Section 150.2 of this title or to
19 the public, provided, ~~r~~ release of the confidential information has
20 been authorized by the Director of the Bureau for the purposes of
21 developing or obtaining further information reasonably necessary to
22 the successful conclusion of a criminal investigation being
23 conducted by the Bureau or authorized by the Director of the Bureau
24 for the purpose of advising crime victims or family representatives

1 of homicide victims regarding the status of a pending investigation
2 or to provide a summary of a closed investigation when necessary.

3 H. The State Treasurer shall initiate a complete background
4 investigation of the positions with the written consent of the
5 persons who are the subject of the investigation pursuant to
6 subsection I of Section 71.1 of Title 62 of the Oklahoma Statutes.
7 The Bureau shall advise the State Treasurer and the ~~Cash Management~~
8 ~~and Investment Oversight Commission~~ Invest in Oklahoma Board in
9 writing of the results of the investigation.

10 I. The Bureau may report statistical data that does not include
11 personal information to law enforcement and the public.

12 SECTION 2. AMENDATORY 74 O.S. 2021, Section 150.7, is
13 amended to read as follows:

14 Section 150.7. The Director of the Oklahoma State Bureau of
15 Investigation shall have the following powers, duties, and
16 responsibilities:

17 1. To appoint or dismiss a Deputy Director to assist in the
18 administration of the Bureau;

19 2. To supervise the maintaining of all reports and records of
20 the Bureau and to promulgate administrative rules concerning the
21 destruction and retention of such records. Such records shall not
22 be transferred to the custody or control of the Archives and Records
23 Commission or be subject to the provisions of Section 590 of Title
24 21 of the Oklahoma Statutes or the Records Management Act. The

1 Director may, pursuant to adopted and promulgated administrative
2 rule, order destruction of records deemed to be no longer of value
3 to the Bureau, excluding criminalistic and investigative records
4 which shall forever be kept and maintained. The Director may cause
5 any or all original papers or records kept by the Bureau to be
6 digitally scanned or imaged and stored on a computer or digital
7 storage medium in lieu of retention of the original records or
8 papers. However, the digitally stored records or papers shall be an
9 accurate and complete reproduction of the original papers or records
10 and stored in a conveniently accessible manner. Following the
11 scanning, imaging, and digital storage of the original records or
12 papers, the Director may authorize the disposal, archival storage,
13 or destruction of the original records or papers;

14 3. To report to the Commission at each regular meeting, or as
15 directed by the Commission, the current workload of the Bureau.
16 Such reports shall be submitted by category of the persons or
17 entities authorized to initiate investigations as provided for in
18 subsection A of Section 150.5 of this title, and any other category
19 the Commission may request which does not violate the
20 confidentiality restrictions imposed in Sections 150.1 through ~~152.9~~
21 152.12 of this title. Such reports shall contain the following
22 information:

23 a. what the types of investigations that are pending,
24

1 b. ~~what the~~ new types of investigations ~~that~~ have been
2 opened,
3 c. ~~what the~~ types of investigations ~~that~~ have been
4 closed, and
5 d. ~~what the~~ criminal charges ~~that~~ have been filed as a
6 result of Bureau investigations.

7 The reports shall not contain any information on the individual
8 subjects of the investigation or persons questioned in connection
9 with an investigation. These reports shall be open for public
10 inspection;

11 4. To designate positions, appoint employees, and fix salaries
12 of the Bureau, other than the salaries established by ~~subsection A~~
13 ~~of~~ Section 150.6a of this title, and to authorize the payment of
14 necessary certification expenses for the employees;

15 5. To authorize the purchase and issuance of uniforms for all
16 law enforcement officers, criminalists, and other personnel of the
17 Bureau as designated by the Director and to purchase and issue
18 necessary equipment for all employees of the Bureau. All uniforms
19 and equipment shall be used only in the performance of the official
20 duties of the officers, criminalists, or other personnel and shall
21 remain the property of the Bureau except as otherwise provided by
22 law;

23 6. To accept gifts, bequests, devises, contributions, and
24 grants, whether public or private, including funds from federal and

1 state agencies, or funds from any other source for use in furthering
2 the operations of the Bureau. All monies received by the Director
3 pursuant to this subsection shall be deposited to the credit of the
4 OSBI Revolving Fund;

5 7. To enter into local cooperative agreements with local law
6 enforcement agencies for the purpose of appointing affiliate task
7 force agents to assist the Bureau in the investigation of major
8 crimes under the jurisdiction of the Bureau. Affiliate task force
9 agents shall be employees and commissioned law enforcement officers
10 of the local law enforcement agency entering into agreement with the
11 Bureau and shall not be employees of the Bureau. Affiliate task
12 force agents shall have general peace officer powers and the
13 authority to arrest persons throughout the state while serving as an
14 affiliate task force agent. Affiliate task force agents serve
15 solely at the discretion and will of the Director. The Director may
16 renew, suspend, or revoke any agreement appointing an affiliate task
17 force agent at any time; and

18 7. 8. To enter into interagency transfers with the Oklahoma
19 Highway Patrol, the Oklahoma State Bureau of Narcotics and Dangerous
20 Drugs Control, and the Oklahoma Alcoholic Beverages Beverage Laws
21 Enforcement Commission as provided for in ~~Section 1 of this act~~
22 Section 11000 of this title.

23 SECTION 3. AMENDATORY 74 O.S. 2021, Section 150.11, is
24 amended to read as follows:

1 Section 150.11. A. All Except as provided for in Section
2 1024.4 of Title 21 of the Oklahoma Statutes, all property which
3 comes into the possession of the Oklahoma State Bureau of
4 Investigation (OSBI), whether the same is stolen, embezzled, or
5 otherwise, which the Bureau has held for at least one (1) year
6 unless ~~said~~ the property is perishable, may be disposed of by order
7 of an Oklahoma County district court if the owner or owners of ~~said~~
8 the property are unknown or have not claimed the same. The Director
9 of the Oklahoma State Bureau of Investigation shall then be
10 authorized to sell, deposit, donate, destroy, or otherwise dispose
11 of such property or any part thereof which is no longer needed to be
12 held as evidence or otherwise used in connection with any
13 litigation.

14 B. 1. If cash or other legal tender is the subject of the
15 action, the Director shall file a petition in the district court of
16 Oklahoma County requesting authority to forfeit and deposit the
17 funds. The petition shall include the following information:

- 18 a. description of the property,
- 19 b. approximate date that the property came into
20 possession of the Director, and
- 21 c. the names of the owner or owners, if known.

22 2. Upon the filing of the petition, notice of at least ten (10)
23 days shall be given to each known owner by the Director of the OSBI
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1 by mailing a copy of the petition and notice of hearing to the last-
2 known address of each owner by certified mail.

3 3. Notice of the hearing shall also be posted at the Oklahoma
4 County courthouse at the regular place assigned for the posting of
5 legal notices and in the public lobby at OSBI headquarters.

6 4. If no owner appears and establishes ownership to the cash or
7 legal tender, the court shall enter an order authorizing the
8 forfeiture of the funds to the OSBI. All monies forfeited shall be
9 deposited into the OSBI Revolving Fund.

10 C. 1. For disposition of all other seized property, the
11 Director shall file a petition in the district court of Oklahoma
12 County requesting authority to conduct a sale of, or otherwise
13 dispose of, the property as provided herein. The petition shall
14 include the following information:

- 15 a. description of the property,
- 16 b. approximate date that the property came into the
17 possession of the Director, and
- 18 c. the names of the owner or owners, if known.

19 2. Upon the filing of the petition, notice of at least ten (10)
20 days shall be given to each known owner by the Director of the OSBI
21 by mailing a copy of the petition and notice of hearing by certified
22 mail to the last-known address of each owner. An affidavit of
23 notice being sent shall be filed with the court by a representative
24 of the OSBI.

1 3. Notice of the hearing shall also be posted at the Oklahoma
2 County courthouse at the regular place assigned for the posting of
3 legal notices and in the public lobby at OSBI headquarters.

4 4. If no owner appears and establishes ownership to the
5 property, the court ~~shall~~ may enter an order authorizing the
6 Director to sell the property at public auction or Internet auction,
7 which may include online bidding, to the highest bidder after notice
8 of at least five (5) days of the auction has been given by
9 publication in one issue of a legal newspaper of record in Oklahoma
10 County. If the property is offered for sale at public auction,
11 including an Internet auction, and no bid is received that exceeds
12 fifty percent (50%) of the fair-market value of the property, such
13 value to be announced prior to the sale, the Director may refuse to
14 sell the item pursuant to any bid received.

15 5. The In the event of the sale of the property, the Director
16 shall make a return of sale, and when confirmed by the court, the
17 order confirming the sale shall vest title of the property to the
18 purchaser. The money received from the sale shall be deposited in
19 the OSBI Revolving Fund.

20 SECTION 4. This act shall become effective November 1, 2026.
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