

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1788

By: Deevers

AS INTRODUCED

An Act relating to law enforcement; defining terms; requiring certain record; requiring certain verification procedure and documentation; requiring certain audit; establishing audit criteria; requiring the Department of Public Safety to take certain actions; authorizing promulgation of rules; providing penalties; authorizing referral to the Attorney General; construing provision; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 212 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. As provided for in this section:

1. "Law enforcement agency" means any county sheriff's office, municipal police department, or other public entity in this state responsible for booking offenders into custody and maintaining related databases, including, but not limited to, jail management systems;

1 2. "Booking process" means the procedure for recording
2 information about an arrested individual, including photographs,
3 personal details, and demographic data such as race;

4 3. "Database" means any electronic system or repository used by
5 a law enforcement agency to store, manage, or share booking
6 information, including public-facing websites or integrated state or
7 federal systems;

8 4. "Race" means the racial category of an individual as
9 indicated on government-issued identification, birth certificate
10 data, or determined based on observable physical characteristics in
11 accordance with standard classification guidelines established by
12 the Department of Public Safety; and

13 5. "Misidentified race" means an entry in a database where the
14 recorded race does not match the race indicated on presented
15 government-issued identification, birth certificate data, or evident
16 observable physical characteristics, as determined through audit or
17 review.

18 B. During the booking process, every law enforcement agency
19 shall:

20 1. Require the arresting or booking officer to record the
21 offender's race based on:

- 22 a. the race listed on any government-issued
23 identification presented by the offender, such as a
24
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1 driver license, passport, or state identification
2 card,

- 3 b. birth certificate data, if available and presented, or
- 4 c. observable physical characteristics, in the absence of
- 5 official documentation;

6 2. Implement a double-verification procedure, whereby a second
7 certified peace officer or supervisory personnel reviews and
8 confirms the accuracy of the recorded race before submission to any
9 database. This verification shall include a comparison with the
10 offender's booking photograph, any presented government-issued
11 identification or birth certificate data, and observable physical
12 characteristics; and

13 3. Document the verification in the booking record, including
14 the names or identifiers of the officers involved and the basis for
15 the race determination (e.g., government-issued ID, observable
16 characteristics).

17 C. Each law enforcement agency shall conduct annual audits of
18 its databases to identify and correct misidentified races. The
19 audit shall:

- 20 1. Review a representative sample of at least ten percent (10%)
21 of booking records from the previous year, selected randomly or
22 based on risk factors identified by the agency;

1 2. Compare recorded races against booking photographs, any
2 available government-issued identification or birth certificate data
3 on file, and observable physical characteristics;

4 3. Correct any identified inaccuracies within thirty (30) days
5 of discovery and maintain records of such corrections; and

6 4. Submit a summary report of the audit findings, including the
7 number of misidentifications found and corrected, to the Department
8 of Public Safety by January 31 of each year.

9 D. The Department of Public Safety shall:

10 1. Establish uniform guidelines for racial classification based
11 on government-issued identification, birth certificate data, and
12 observable physical characteristics to ensure consistency across
13 agencies;

14 2. Provide training resources to law enforcement agencies on
15 accurate racial determination and verification procedures; and

16 3. Promulgate rules as necessary to implement this section,
17 including standardized audit procedures and reporting forms.

18 E. 1. Any law enforcement agency found to be in consistent
19 violation of subsections B or C of this section, as determined by
20 the Department of Public Safety after investigation, shall be
21 subject to:

22 a. a civil penalty of up to One Thousand Dollars
23 (\$1,000.00) per uncorrected misidentification
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discovered during state review, not to exceed Fifty
Thousand Dollars (\$50,000.00) per audit cycle, and
b. potential withholding of state-appropriated funds,
including grants or reimbursements for law enforcement
programs, until compliance is achieved.

2. Any employee of a law enforcement agency who purposefully or
repeatedly enters incorrect racial data, as determined through
internal investigation or audit, shall be subject to disciplinary
action, up to and including termination of employment. Repeated
violations shall be defined as three or more instances within a
twelve-month period.

3. Willful violations involving falsification of records may be
referred to the Attorney General for further action under applicable
laws.

F. Nothing in this section shall be construed to create a
private right of action or to affect the admissibility of evidence
in criminal proceedings.

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

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