

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 57th Legislature (2019)

4 HOUSE BILL 1995

                                  By: Nollan

7   AS INTRODUCED

8                   An Act relating to counties and county offices;  
9                   amending 19 O.S. 2011, Section 517.1, as last amended  
10                   by Section 1, Chapter 145, O.S.L. 2017 (19 O.S. Supp.  
11                   2018, Section 517.1), which relates to retention and  
12                   disposal of county departmental records; directing  
13                   sheriff to keep recordings pursuant to video  
14                   retention schedule; requiring counties to keep  
15                   recordings of certain incidents for time certain;  
16                   directing sheriffs to establish video retention  
17                   schedule for certain recordings; stating requirements  
18                   of retention schedule; requiring retention of  
19                   evidentiary and nonevidentiary recordings and written  
20                   reports and records for time certain; directing  
21                   sheriffs to establish video retention schedule upon  
22                   approval by the district attorney; stating  
23                   requirements for retention schedule; providing for  
24                   codification; and providing an effective date.

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

20                   SECTION 1.            AMENDATORY            19 O.S. 2011, Section 517.1, as  
21                   last amended by Section 1, Chapter 145, O.S.L. 2017 (19 O.S. Supp.  
22                   2018, Section 517.1), is amended to read as follows:

23                   Section 517.1 A. The governing body of each county may  
24                   establish a length of time for the county to keep departmental

1 records and authorize the sheriff to properly dispose of or digitize  
2 all records not specifically addressed in other statutes.

3 B. Except as otherwise provided in this section, records shall  
4 be kept for a minimum of seven (7) years. However, ~~if the sheriff~~  
5 ~~is the sole source for such records, the records shall be kept for a~~  
6 ~~minimum of seven (7) years; provided, that~~ the sheriff shall be  
7 required to keep any audio or video recordings from recording  
8 equipment attached to the person of a law enforcement officer  
9 according to the video retention schedule for that county created  
10 pursuant to subsection C of this section; provided, that the county  
11 shall keep for a minimum of one (1) year any such recordings that  
12 depict anything other than an or directly relate to:

- 13 1. An officer-involved shooting, use;
- 14 2. Use of lethal force, incidents involving;
- 15 3. Incidents resulting in medical treatment, incidents where;
- 16 4. Incidents identified in a written application is received  
17 for the preservation of the specific event, recording of the  
18 incident received by a county sheriff within ninety (90) days of the  
19 recording of the incident; or upon request of
- 20 5. Incidents identified for preservation as requested by the  
21 district attorney may be kept at a minimum of one (1) year to be  
22 determined by the county sheriff.

23 C. The sheriff's office of each county that utilizes or  
24 operates audio or video recordings from recording equipment attached

1 to the person of a law enforcement officer within the sheriff's  
2 office shall establish a video retention schedule that shall consist  
3 of requirements for storing and keeping any such audio or video  
4 recordings that do not depict or directly relate to the incidents  
5 described in paragraphs 1 through 5 of subsection B of this section.  
6 The video retention schedule shall establish a method by which  
7 recordings shall be classified as either evidentiary or  
8 nonevidentiary. Recordings classified as nonevidentiary shall be  
9 kept for a minimum of ninety (90) days. Recordings classified as  
10 evidentiary shall be kept for a minimum of one (1) year.

11 D. Any written reports and records related to the audio or  
12 video recordings described in subsections B and C of this section  
13 shall be kept for a minimum of seven (7) years.

14 SECTION 2. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 517.2 of Title 19, unless there  
16 is created a duplication in numbering, reads as follows:

17 The sheriff's office of each county that utilizes or operates  
18 audio or video recordings from the recording equipment attached to  
19 the person of a law enforcement officer within the sheriff's office  
20 shall establish, upon approval of the district attorney for that  
21 jurisdiction, a video retention schedule that shall state which  
22 video-recorded incidents or actions taken by the law enforcement  
23 officer, other than the incidents described in paragraphs 1 through  
24

1 5 of subsection B of Section 517.1 of Title 19 of the Oklahoma  
2 Statutes, are classified as either nonevidentiary or evidentiary  
3 recordings. Recordings classified as nonevidentiary shall be kept  
4 for a minimum of ninety (90) days.

5 SECTION 3. This act shall become effective November 1, 2019.

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7 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,  
8 dated 02/14/2019 - DO PASS.

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